The City Council of the City of Raleigh met in a regular session on Tuesday, July 17, 1984 at 1:00 p.m. in the Council Chamber of the Municipal Building, 222 West Hargett Street. The following members were present:

Mayor Upchurch, Presiding
Ms. Babb - Absent and Excused
Ms. Block
Mr. Calloway - Absent and Excused
Ms. Cates
Mr. Congleton
Mr. Keller
Mr. Walters

Mayor Upchurch called the meeting to order and invocation was rendered by the Reverend W. P. Perkins, of Milner Memorial Presbyterian Church, after which the following matters were discussed with action taken as shown.

RECOGNITION OF SPECIAL AWARDS

PROCLAMATION - CHILD/CAR SAFETY WEEK - PROCLAIMED

Mayor Upchurch read a Proclamation proclaiming Child/Car Safety Week in the City of Raleigh. The Proclamation was accepted by Ann Reece, President of the Raleigh Jaycettes.

RESOLUTION OF APPRECIATION - PRESENTED TO CLIFTON L. WOODLIEF

Mayor Upchurch read a resolution of appreciation commending Clifton L. Woodlief and expressing appreciation for the work during his tenure on the Planning Commission. He pointed out Mr. Woodlief's term is expiring, explaining Mr. Woodlief has served as chairman of the Planning Commission and was an appointee of the Wake County Commissioners.

VOLUNTEER OF THE MONTH - PRESENTED TO WILLIAM C. YOUNG

Mayor Upchurch explained the volunteer of the month award and presented William C. "Bill" Young with a Certificate honoring him as Volunteer of the Month. In making the presentation, Mayor Upchurch read the numerous activities Mr. Young has been involved in. In accepting the certificate, Mr. Young indicated it is a great honor to receive this certificate, but pointed out he felt he was receiving it on behalf of all the volunteers in the City.

CERTIFICATES OF APPOINTMENT - MADE

Mayor Upchurch explained the Certificate of Appointment presentation and presented the following certificates: Appearance Commission - J. Myrick Howard; Civic Center Authority - John William Stone; Historic Districts Commission - Dr. Julius Nimmons, Steve Stroud; Historic Properties Commission - Steve Stroud; Mayor's Committee for services to the handicapped - Charles V. Brown, Jr.; Planning Commission - A. W. Solomon; Plumbers Examining Board - Otis Hopkins, Joe Thomas and Ozza Tyser, III; Transit Authority - Hill Carrow, Jr. and David C. Robinson; Housing Authority - Paul M. Moore and Charles W. Ward.

CONSENT AGENDA

CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch presented the Consent Agenda indicating all items are considered to be routine and may be enacted by one motion. He explained that if a Councillor requests discussion on an item, the item would be pulled from the Consent Agenda and considered separately. He pointed out the vote on the Consent Agenda would be a roll call vote. Mrs. Block requested that the item relating to Central Services cost allocation be withdrawn. Mr. Walters requested that the change order relating to Memorial Auditorium be withdrawn. Without objection, these items were withdrawn. Mr. Walters moved that Administration's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Mrs. Cates and put to a roll call vote which resulted in all members voting in the affirmative.

The items on the Consent Agenda were as follows:

PRIVILEGE LICENSES - MASSEUR - APPROVED

This is an application for a masseur license requiring City Council approval under City Code Section 12-2136. The applicant's name is Bobby Banks. He will be conducting his business at the YMCA, located at 1601 Hillsborough Street. The Police report indicates approval.

Recommendation: Administration recommends approval of this masseur license application. Consent Agenda approval - Walters/Cates - 6 ayes.

MUNICIPAL AGREEMENT - REIMBURSEMENT FOR HILLSBOROUGH STREET WORK - AUTHORIZED

When the decisions were made to establish two-way traffic on Hillsborough Street, the State concurred in the City's request and requested the City to perform the necessary traffic modifications.

This work has been completed and the State has agreed to reimburse the City an amount of $14,714.96. A proposed municipal agreement with the State has been prepared and a copy was in the Council Members' Agenda packet.

Recommendation: It is recommended that the Municipal Agreement with the State be approved. Consent Agenda approval - Walters/Cates - 6 ayes.

RESOLUTION NO. (1984) - 568

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA

A motion was made by Councilman Walters and seconded by Councilwoman Cates for the adoption of the following resolution, and upon being put to a vote was duly adopted:

WHEREAS, the City of Raleigh and the North Carolina Department of Transportation propose to make certain traffic control improvements under Project 9.8059137, Wake County, said project to consist of the establishment of two-way traffic operation along Hillsborough Street from West Street to Morgan Street; and,

WHEREAS, the City of Raleigh desires to enter into a municipal agreement with the Department of Transportation whereby the City of Raleigh shall install the required traffic signal equipment for the project, and whereby the Department of Transportation shall reimburse the City of Raleigh a lump sum amount of $14,714.96 for the cost of the project, including labor and equipment rental; and,

NOW, THEREFORE, BE IT RESOLVED that Project 9.8059137, Wake County, is hereby formally approved by the City Council of the Municipality of Raleigh and that the Mayor and Clerk of this Municipality are hereby empowered to sign and execute the agreement with the Department of Transportation.

Adopted: 7/17/84

STREET CLOSING - CHARLESTON ROAD - RESOLUTION OF INTENT ADOPTED

The Raleigh City Council has been petitioned to close a portion of Charleston Road being located to the south of Fort Sumter Road, as shown on the maps included in the Council Members' Agenda packet. Also, included was a copy of the petition and a description of the right-of-way requested to be closed.

The petition has been circulated and reviewed by all agencies with a recommendation of approval with the following conditions:

- That a curb and gutter section and standard driveway be installed to serve Charleston Road Apartments.

- That the 6" water main in the subject right-of-way be abandoned and a blow-off valve be installed at the end of the City main.

- The adjacent property owners (Lot 273, Map 548) convey the right-of-way, if abandoned, to the owners of Charleston Road Apartments (Lot 22, Map 548) in order to avoid the land locking of Lot 22.

Recommendation: It is recommended that the City Council adopt a resolution of intent to close the right-of-way with the previously mentioned conditions and set a date for a public hearing on this matter on September 4, 1984.. Consent Agenda approval - Walters/Cates - 6 ayes.

RESOLUTION NO. (1984) - 569

A RESOLUTION OF INTENT TO CONSIDER CLOSING A PORTION OF CHARLESTON ROAD RIGHT-OF-WAY AS DESCRIBED HEREIN AND DIRECTING NOTICE OF PUBLIC HEARING

WHEREAS, the City Council of the City of Raleigh, North Carolina, pursuant to North CArolina General Statute 160A-299, intends to close permanently the following street right-of-way:

BEGINNING at a point in the eastern right-of-way line of Charleston Road as shown in Book of Maps 1967, Page 113, Wake County Registry, said point also being the southernmost corner of Charleston Road as shown on said plat; thence North 34 deg. 00 min. West 50 feet to a point in the western right-of-way line of Charleston Road; thence in a northerly direction along said western right-of-way line 66.59 feet to a point; thence along a line curving to the left with a radius of 50 feet and a distance of 80.02 feet to a point in the eastern

right-of-way line of Charleston Road; thence South 31 deg. 00 min. West 25 feet to a point; thence continuing along said eastern right-of-way of Charleston Road in a southerly direction 113.45 feet to the point and place of BEGINNING, containing 5,126.9 square feet as shown on plat entitled, "Road Closing, South End, Charleston Road, Raleigh, N.C.," dated May 7, 1984, and prepared by John Y. Phelps-Registered Land Surveyor.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the section of the street referred to above is intended to be closed permanently.

Section 2. That a public hearing will be held on Tuesday, September 4, 1984, in the Council Chamber, Room 201, Municipal Building, Raleigh, North Carolina, at 7:00 p.m., or as soon thereafter as the matter can be reached.

Section 3. That a copy of this resolution be mailed by certified mail to all owners of lots abutting on the above named street.

Section 4. That a copy of this resolution be published in a daily newspaper in the City of Raleigh once a week for four consecutive weeks.

Adopted: 7/17/84

POLICE INFORMATION NETWORK - TERMINAL CONTRACTS - AUTHORIZED

The City has a number of PIN terminals which are leased from the State under a contract for their use. These terminals are in the Police Department and the Violations Division of the Finance Department. The terminal in the Violations Division includes a high speed printer. Copies of the proposed contracts are in the Council Members' Agenda packet. Funds are budgeted to pay these fees.

Recommendation: It is recommended that the contracts be approved and the Mayor authorized to execute them. Consent Agenda approval - Walters/Cates - 6 ayes.

RESOLUTION NO. (1984) - 570

COPY OF A RESOLUTION PASSED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, RALEIGH, NORTH CAROLINA.

The following resolutlion was offered by Councilman Walters, and a motion was made by Councilman Walters that it be adopted, this motion was seconded by Councilwoman Cates, and upon being put to a vote, was unanimously carried;

WHEREAS, the North Carolina Department of Justice, Police Information Network plans to make available to law enforcement agencies and other appropriate agencies of the State through the use of a centralized computer system various information now available or to be developed essential to the efficient operation of said agencies such as, but not limited to, information contained in the Department of Motor Vehicles' files, information contained in the National Crime Information Center, information contained in the State Bureau of Investigation's files, Department of Corrections' files, and information from local law enforcement agencies by the installation of a Police Information Network terminal in the Violations Bureau of City of Raleigh provided the Violations Bureau of Raleigh agrees to furnish a proper site for installing such terminal, and the necessary personnel to operate said terminal, and further agrees to assume the usage cost of such terminal from the date of intallation; that said installation of a Police Information Network terminal is considered to be most necessary to the preservation of law and order and the promotion of public safety within the Municipality; and

WHEREAS, the North Carolina Department of Justice, Police Information Network and this Municipality have agreed as follows:

(A) The North Carolina Department of Justice, Police Information Network will install and maintain a video terminal and printer connected to the Police Information Network system and also train operators selected and paid by the Municipality to operate such terminal.

(B) The Municipality shall furnish a proper site for installation of a Police Information Network terminal and also furnish personnel to operate said terminal.

(C) The Municipality shall assume the usage cost (which cost includes maintenance) of the Police Information Network terminal in the amount of $360.00 (per month) beginning from date of installation.

Adopted: 7/17/84

ROWLAND LANDFILL, INCORPORATED - CONTRACT - APPROVED

Since 1975, the City has maintained a contract with Rowland Landfill, Inc., to allow disposal of trash and rubbish as well as old tires. It is time to renew this agreement and a revised contract for a three year period has been negotiated. A copy is in the Council Members' Agenda packet. This proposal provides for a payment of $33,000 per year which is an increase of $2,024 per year from the prior agreement. Funds are budgeted to meet these payments.

Recommendation: It is recommended that the contract be approved. Consent Agenda approval - Walters/Cates - 6 ayes.

VISTA PROJECT APPLICATION - 1984-85 - SUBMITTAL AUTHORIZED

The 1984-85 VISTA Project Application proposes to extend the current VISTA Project. The project application for the current VISTA Project was approved by City Council on April 5, 1983. The current project is the development and coordination of a centralized emergency food assistance program. The 1984-85 project application proposes to complete this effort.

Financial support for the project consists of approximately $19,500 by the City and $24,000 by ACTION. The City's portion of these funds are currently allocated in the Human Resources Department's budget. City support consists of project management and supervision together with parking and travel reimbursement for VISTA volunteers.

Recommendation: It is recommended that the Council approve submittal of this grant request. Consent Agenda approval - Walters/Cates - 6 ayes.

FAIR HOUSING ASSISTANCE - PROGRAM AGREEMENT for 84/85 MAYOR AUTHORIZED TO SIGN

The U. S. Department of Housing and Urban Development has prepared the agreement for the City of Raleigh's participation in the fourth year of the Fair Housing Assistance Program. This program provides HUD funds to the Fair Housing Office of the Human Resources Department to assist with the City's Fair Housing effort. The maximum amount of funds available is $14,300. The actual amount received will be based on the number of complaints investigated during the agreement period. All conditions and stipulations regarding the agreement are the same as in previous years. The funds will be used to provide materials, supplies, and equipment necessary for the functioning of the Fair Housing Program including community education. No employee positions will be funded in this year's grant.

Recommendation: It is recommended that this agreement be approved by City Council and the Mayor be authorized to sign the agreement documents. Consent Agenda approval - Walters/Cates - 6 ayes.

SOUTHSIDE REPUMP FACILITY - ADMINISTRATION AUTHORIZED TO NEGOTIATE CONTRACT

In accordance with the Capital Improvements Program, engineering services proposals were solicited for the design of the repump facility at the E. B. Bain Water Treatment Plant site. This repump facility is associated with the ultimate abandonment of the Bain Plant as a treatment facility and the continued utilization of the ground storage reservoirs for volume storage to be discharged into the system during peak demand periods, thereby preventing any potential reduction in service pressure in the south and southeast areas of town.

Proposals were received from Camp, Dresser and McKee; Malcolm Pirnie, Inc.; and Olsen Associates.

Included in the Council Members' Agenda packet was a comparison of the various engineering proposals. In all three cases, the firms show reasonable prior experience in vertical turbine pump installations, and each individual firm cites specific areas of study that are appropriate, with no single firm submitting an all-inclusive list of potential areas of investigation.

Considering the vast amount of work that Olsen Associates has performed for the City and the past policy of the City Council that the City not allow one engineer to monopolize the situation, this circumstance appears to work to their disfavor. Alternately, Malcolm Pirnie and Camp, Dresser and McKee have both done a similar amount of work for the City of Raleigh, both of which have been quite acceptable. The leading edge to either of these firms is that of Camp, Dresser and McKee, in that of having a resident staff that would be involved in this project as well as a shorter design/bid period of six months as opposed to nine and one-half months.

It must be recognized for this project to be effective, it must be installed during the winter/spring of 1984/85, thereby necessitating more concern with the period of design and bidding.

Recommendation: It is recommended that Council authorize Administration to negotiate a professional services contract with the firm of Camp, Dresser and McKee which would be subject to final approval by the City Council and that if it is not possible to negotiate an agreement with Camp, Dresser and McKee, that negotiations be initiated with Malcolm Pirnie, Inc. Consent Agenda approval - Walters/Cates - 6 ayes.

E. M. JOHNSON WATER PLANT - LEASE FOR TELEPHONE SYSTEM - APPROVED

The E. M. Johnson Plant, having been expanded to approximately 2½ times the size that it existed only three years ago, substantial short comings have been identified with the existing telephone system. More specifically, the existing paging system is grossly inadequate for the area that must be covered in order to gain reasonable access to the personnel and the existing numbers of telephone sets are inadequate to allow the operators to be in reasonable proximity to a unit to answer or use in emergencies.

A lease proposal from Atcom, Inc., has been received to provide the needed services at a lease amount of $441.98 per month for a period of 60 months. At this point, there would be a buy-out provision if the City so elected to purchase the equipment at that point. Otherwise, the lease could continue. This firm has provided equipment to the Utility Operations Center and has performed well in that respect.

Recommendation: It is recommended that the Council approve the leasing of this telephone equipment at the stated monthly costs noted above. Consent Agenda approval - Walters/Cates - 6 ayes.

COMMUNITY DEVELOPMENT DEMOLITION CONTRACTS - TO BE APPROVED ADMINISTRATIVELY UNDER CERTAIN CONDITIONS

The Community Development Department now has the responsibilities for management of property acquired through the CD program. This function had been previously performed by the Housing Authority.

One of the actions which is necessary in managing property acquired for CD purposes is the demolition of existing unsafe structures on these properties. The estimated cost of this work is in the range of $1,500 - $2,000 per site. It is desirable that the approving of this work be done as quickly as possible when a lot has been acquired and such could be accomplished by Council authorization to the City Manager to award bids for such work which would be under $2,000.

Recommendation: It is recommended that the Council authorize the City Manager to approve bids for demolition work on City property when such work is under $2,000. Consent Agenda approval - Walters/Cates - 6 ayes.

TRANSIT TRANSFER FACILITY - PUBLIC HEARING AUTHORIZED

The City Council has previously approved the submittal of a request to UMTA to amend the grant for the transfer facility. Since this area involves the Moore Square Historic District, a public hearing is necessary to receive comments concerning this grant amendment.

Recommendation: It is recommended that Council schedule a public hearing on September 4, 1984, to receive public comments on the amendment to the Off-Street Transit Transfer Facility Grant.

TAXICAB OWNER'S PERMIT - VARIOUS - APPROVED ON SECOND AND FINAL READING

During the July 3, 1984 Council Meeting, the following applications for taxicab owner's permits were approved on the first reading. Administration recommends approval on a second and final reading.

John F. Snipes, Jr., City Cab Company (New Individual Owner's Permit)

Willie Herbert Stokes, Ebony Cab Company (New Individual Owner's Permit)

Mrs. Evelyn Champion Robertson, Associated Cab Company (New Individual Owner's Permit)

Ralph Edward McCoy, Lincoln Cab Company (Renewal of Individual Owner's Permit)

Consent Agenda approval - Walters/Cates - 6 ayes.

BUDGET AMENDMENTS - VARIOUS DEPARTMENTS - ORDINANCE ADOPTED

The Agenda presented a recommended budget amendment in the amount of $51,000 in the Community Development Budget to provide funds for FY 84-85 public service agencies as approved by City Council. The Agenda also presented a $3,500 budget amendment as relating to the Biltmore Pool to provide additional funds for the food for resale as well as $6,000 relating to the Martin Pool and the food for resale account. Another budget amendment in the amount of $1,000 was recommended to place into an expenditure account, a contribution made to the Danny O. Whitehurst Memorial Fund. Administration recommends approval of the budget amendments as outlined. Consent Agenda approval - Walters/Cates - 6 ayes. See Ordinance 375.

STORM DRAINAGE INSTALLATION - 1924 AND 1928 MYRON DRIVE - APPROVED

According to City policy, Section 3a(2) of the Storm Drainage Resolution No. (1973) 952 (953), Administration has received the following request for assistance to repair a storm drainage pipe not previously installed by the City. The existing storm drainage pipe has failed, including an end wall, and has caused it to collapse into

the channel. This has caused a diversion of the water against the area covering a City sanitary sewer main constructed of verified clay. Thus, a continuing of the situation will probably cause the washout of the sanitary sewer main. The City Council, in the past, has taken action to repair such pipe and to assume one-half the cost of repair, with the property owner(s) assuming the other half.

The following request has been made by Mr. and Mrs. Stuart Aker, 1928 Myron Drive and Mrs. Marjorie Sewell, 1924 Myron Drive to replace damaged storm water pipe at the location indicated below:

Location: 1924 and 1928 Myron Drive

Size of pipe: 28-feet of 60-inch storm drainage pipe

Cost:

Equipment -	$4,219.60
Labor -	728.92
Materials -	1,106.39
Total -	$6,054.91

Administration has received written approval to cross private property to make these repairs.

Recommendation:

It is recommended that the Council approve the repairs to the storm drainage pipe and that the City pay one-half the cost of the repairs. Consent Agenda approval - Walters/Cates - 6 ayes.

PRIVILEGE LICENSE - REQUEST FOR REFUNDS - APPROVED

Mr. Terri Sealey, representing "The Sharpe Company," located at 2129 Glascock Street, has given a written request for a refund of $50 for the 1984-85 privilege license year. The reason for this request is an overpayment of this year's taxes. Administration has verified that this is a valid request.

Recommendation: Approval of this request is recommended.

Mr. J. Hutchinson, representing "All Star Bike Shop," located at 4300 Old Wake Forest Road, has given written request for a refund of $440 for the 1982-83 and 1983-84 privilege license years. The reason for this request is that the business is located outside the City Limits. Administration has verified that this is a valid request.

Recommendation: Approval of this request is recommended.

Consent Agenda approval - Walters/Cates - 6 ayes.

CIVIC CENTER - RENT-FREE USE - INFORMATION RECEIVED

Approval has been granted for the rent-free use of Meeting Room B at the Civic Center on Monday, July 10 for Policeman Department Promotion ceremonies. The item was received as information.

UTILITY ACCOUNT - REFUND - INFORMATION RECEIVED

The Council has previously requested that they be notified of refunds to customers of water/ sewer accounts involving errors by the City and/or customer.

Name: Ralph L. Williams

Address: 3908 Western Boulevard

Amount: $1,695.91

Reason: To refund sewer charges paid on this location from April, 1975 through April, 1984. The location was not connected to the sewer system and the customer was not aware of the charges being billed as water and sewer. Discovery of this was made when the address had to be connected to the sewer system in May, 1984.

The item was received without comment. Consent Agenda approval - Walter/Cates - 6 ayes.

STREET PAVING PROGRAM - CAPITAL FUND ITEM - FUNDS APPROPRIATED

The Agenda presented a capital fund item in the amount of $6,670 to provide funds for the right-of-way for East Lenoir Street widening and sidewalks with recommendation of approval. Consent Agenda approval - Walters/Cates - 6 ayes. See Resolution 376 TF 2.

CIVIC CENTER PLAZA - CHANGE ORDER G1 - T. A. LOVING COMPANY - APPROVED - FUNDS APPROPRIATED

The Agenda presented Change Order G-1 - T. A. Loving Company relating to the Civic Center Plaza. The change order is for an addition of $1,530 and an addition of 12 days. The Agenda outlines the reason for the change order and the budget accounts that should be amended if the change order is approved. Administration recommends approval of the change order and the budgetary amendment. Consent Agenda approval - Walters/Cates - 6 ayes. See Ordinance 376 TF 2.

TRANSFERS - ADMINISTRATIVE - MANAGER'S ACTIONS CONCURRED WITH

Council Members received in their Agenda packet a list of administrative transfers which have been authorized according to Council procedure. Concurrence with the Manager's actions is recommended. Consent Agenda approval - Walters/Cates - 6 ayes.

The transfers were as follows:

FROM	TO	AMOUNT
01-2-1040-0001	01-2-1100-0265	$329.48
34-2-3826-0107	34-2-3826-0104	52.00

BID REQUEST 84-8 - DUCTILE IRON PIPE - BID AWARDED TO AMERICAN CAST IRON PIPE COMPANY

Pursuant to advertisement as required by law, bids were received and publicly opened in the office of the Purchasing Agent on July 9, 1984 for duct tile iron pipe with results as follows: American Cast Iron Pipe Company - $82,446; Atlantic States Cast Iron Pipe Company - $83,628.90; U. S. Pipe and Foundry Company - $84,484.80. Administration recommends the low bid submitted by American Cast Iron Pipe Company be awarded. Consent Agenda approval - Walters/Cates - 6 ayes.

PU-1984-4 - HERMITAGE DRIVE AREA - RESOLUTION ADOPTED

Administration recommends that approximately 1,000 feet of 8-inch sanitary sewer main be installed within the easement along the southern boundary of lots on the southside of Hermitage Drive for lots 4905 to 4933. The estimated cost is $25,000. It is recommended that assessment be on the per lot basis. The request was made by Mr. Nusser of 4933 Hermitage Drive. Administration recommends that the Council adopt a resolution of intent which would set a public hearing date of September 4, 1984. Consent Agenda approval - Walters/Cates - 6 ayes.

RESOLUTION NO. (1984) - 572

A RESOLUTION INDICATING THE INTENT OF THE CITY COUNCIL TO EXTEND THE SEWER SYSTEM OF THE CITY OF RALEIGH AND ASSESS THE COST AGAINST LAND ASSESSABLE THEREFOR AND SETTING A PUBLIC HEARING TO CONSIDER THE QUESTION

WHEREAS, the City Council of the City of Raleigh is authorized by Article 10 of Chapter 160A of the General Statutes of North Carolina to direct that the sewer system of the City of Raleigh be constructed, reconstructed, extended and otherwise improved and the cost thereof to be assessed against lands assessable therefor; and

WHEREAS, the City Council of the City of Raleigh finds it to be in the best public interest to construct sewer mains located and described as follows:

P.U. 1984-4 - Installation of 1,000 feet of 8-inch sanitary sewer main within easements along the southern boundary of lots on the south side of Hermitage Drive for Lots 4905-4933.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That it is intended that the above described improvements be made and that the costs thereof be assessed against property abutting thereon pursuant to and by virtue of the provisions of Article 10 of Chapter 160A of the General Statutes of North Carolina.

Section 2. That 100 percent of the total cost of said improvement which can be assessed according to the provisions of Part 8, Chapter 2, Article B, Section 8-2033 et seq. of the City Code be assessed against the property receiving the improvement. Assessments will be made according to the following method: Per lot basis.

Section 3. That the terms and manner of payment of the assessments herein provided for shall be as follows: That said assessments shall be payable in cash or, if any property owner shall so elect and give notice of the fact, in writing, to the City of Raleigh in accordance with the provisions of Section 160A-232 of the General Statues of North Carolina, as amended, such property owner shall have the option and privilege of paying the assessments in ten equal annual installments, such installments to bear interest at the rate of 6 percent per annum from the date of confirmation of the assessment roll, payable annually on the unpaid balance of the assessment.

Section 4. That a public hearing on all matters covered by this resolution shall be held on the 4th day of September, 1984, at 7:00 p.m., in the Council Chamber, Room 201, Municipal Building, or as soon thereafter as the matter can be reached.

Adopted: 7/17/84

TRAFFIC - VARIOUS CHANGES - ORDINANCES ADOPTED

The Agenda presented a recommended change in channelization at Dartmouth/Six Forks Road intersection needed to accommodate a driveway improvement provided by the North Hills Shopping Center. It was recommended that this change be made effective immediately. A second recommendation related to the mid-block pedestrian signals on Pullen Road. Administration recommends approval of the changes as outlined on the Agenda. Consent Agenda approval - Walters/Cates - 6 ayes.

ORDINANCE NO. (1984) - 377

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH NECESSARY FOR THE IMMEDIATE HEALTH, SAFETY AND WELFARE OF THE CITIZENS OF THE CITY OF RALEIGH

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That Section 6B-1 entitled "CHANNELIZATION" be amended by adding the following:

Dartmouth at Six Forks, east approach

Section 2. That Schedule No. 6B-4 entitled "CHANNELIZATION" be amended by deleting the following:

Dartmouth at Six Forks

Section 3. That all laws and portions of law thereof in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. That this ordinance, being an emergency ordinance, shall become effective upon its adoption.

Adoption: 7/17/84

ORDINANCE NO. (1984) - 378

AN ORDINANCE TO AMEND THE TRAFFIC SCHEDULE OF THE CITY OF RALEIGH

BE IR ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Traffic Schedule No. 1-A entitled "PEDESTRIAN SIGNALS" be amended by adding the following:

Pullen Road, north of Yarbrough Drive

Section 2. That Schedule No. 13 entitled "NO PARKING" be amended by adding the following:

Front Street, both sides, from the dead end westward 140 feet

Section 3. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. That this ordinance shall become effective July 24, 1984.

Adopted: 7/17/84

Effective: 7/24/84

END OF CONSENT AGENDA

CENTRAL SERVICES COST ALLOCATION PLAN - APPROVED - FUNDS APPROPRIATED

In the past, the City has contracted with David M. Griffith and Associates to perform a cost allocation plan which allows the City to recover indirect costs associated with supporting Federal grant programs which are administered by the City.

Recommendation: It is recommended that the firm of David M. Griffith and Associates be retained to perform this year's cost allocation plan at a cost of $9,000, and that the Mayor be authorized to sign the contract.

The Agenda also listed the budgetary action that would be needed if the contract is approved. Mrs. Block indicated she had requested that this be pulled from the Consent Agenda questioning how much money the City recovers through this program. City Manager Benton indicated it has been a substantial amount in the past years, somewhere in the range of $60,000 to $80,000 but he did not know exactly. He indicated we must have this type analysis to qualify for this type indirect cost allocation plan on our federal grants. He stated we will certainly get much more than the $9,000 cost. Ms. Block moved that Administration recommendation be upheld. Her motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 376 TF 2.

MEMORIAL AUDITORIUM - CHANGE ORDER NO. 1 - APPROVED - FUNDS APPROPRIATED

The Consent Agenda presented Change Order #1 with Afghan Roofing Company Limited, which is an addition of $7,731. It was pointed out the Change Order is needed to add colorclad 24 ga. galvanized metal coping cap to high parapet wall around stage area and to add additional perimeter caulking as required, to replace rusted part of metal roof in two places along deep gutter between high and low roofs and to replace damaged rings and add extra clamps at the roof drains. The Agenda outlined the budget accounts that would need to be amended if the change order is approved. Administration recommends approval of the change order and the budgetary amendments.

Mr. Walters indicated he had requested that this item be withdrawn from the Consent Agenda, pointing out we have done a tremendous amount of work on this roof time and time again. He indicated when the last work was done, he questioned why we did not use a galvanized roof. He stated this just seens like a lot of money for a change order. City Manager Benton explained the work that had been done on the roof, pointing out several years ago we did spend a substantial amount of time and money to replace the flat part of the roof. He indicated last year the city retained an individual who had considerable experience in roof repairs to do an analysis of roofs city-wide. He stated as a result of that, the City Council authorized additional repair work in addition to what had been done in the past. He pointed out we did not go back and redo what was done some years ago. He indicated the work we did last year substantially eliminated the leaks. He explained our consultant identified these as areas of concern but didn't recommend we do them at that point, however after we got in and started the work and uncovered the areas, it was determined that the work needed to be done. He explained the building is some 50 plus years old. Mr. Benton indicated he to shares Mr. Walters concern about the amount of work and money spent on the roof, but hopefully this would alleviate the problem. Mr. Walters moved approval of the change order and budgetary accounts as outlined. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 376 TF 2.

SPECIAL ITEMS

LAKE JOHNSON POOL - DESIGN CRITERIA - APPROVED

During the June 19 Council Meeting, Administration presented recommended design criteria for the Lake Johnson and Longview pools so that final design could proceed. The Council action was to approve the criteria for the Longview pool but defer action on the Lake Johnson pool. During the July 3 meeting, action was deferred until this meeting. It would be appropriate to further consider the matter.

Mrs. Block indicated at the last meeting she had her recommendation ready to make to the City Council, but she had received a call from the long range school planner about the possibility of some funding from the schools for the Lake Johnson pool. However, at this point that would not be available. Therefore she would make the following recommendation relative to the design criteria for the Lake Johnson pool: Main Pool - 25 yards by 25 meters. She stated she understands that meters are better than yards and it does not matter which way it is oriented just as long as one of the dimensions is measured in meters rather than yards. She stated her recommendation on the wading pool is that the pool be 500 to 600 square feet. As far as the deck area is concerned, she feels we should have less concrete and more grass and would recommend 10,000 square feet of concrete and 10,000 square feet of grass. As far as the building area is concerned, she would recommend that we ask the architect to look at the possibility of an open roof or court yard affect as this makes for drier conditions in the building. She stated she was thinking about having maybe a partial roof with a court yard or open effect over the dressing area. She stated in addition, the deck should be constructed so that the City could add a bubble later if we can get some money from the schools or otherwise. Mrs. Block moved approval of the recommendations as outlined by her and that the other processes, procedures and designs as recommended and approved by the City Council during the June 19, 1984 Council meeting be followed. Her motion was seconded by Ms. Cates.

Mr. Congleton indicated there was some discussion recently about the utilization of the deck and he was wondering if Ms. Block had talked to some professionals who had given her this recommendation or ratio, or if she was more concerned about the impervious soils in the Lake Johnson area. Mrs. Block indicated experts have told her that the deck should be two to one to the water surface, pointing out some people prefer to sit on the grass. She stated in addition, the impervious surface in the Lake Johnson area is very important. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REQUESTS AND PETITIONS OF CITIZENS

ROAD RACE - NEWS AND OBSERVER - APPROVED CONDITIONALLY

Butch Robertson was at the meeting to request Council approval of a 10K race course scheduled for November 18, which is being sponsored by The News and Observer. He indicated the race will be begin at 2:00 p.m. and he has worked with the Police Department and understands what they are recommending relative to employing police, etc. He indicated the only section of the course that would be closer any length of time would be the 200 block of McDowell Street. City Manager Benton indicated Administration does have some concerns about the route, as it does affect McDowell Street which is one of the major arteries in the Downtown area. He stated it would also have some affect or impact on Wilmington Street, Blount and Person Streets and the City Administration is concerned about that. He stated however if the race is going to be held, that Sunday is the best day. He pointed out the sponsors have agreed to employ the necessary officers to man the intersections and supply barricades, but pointed out there will be some disruption to traffic in the Downtown area. Mr. Robertson indicated that Wilmington Street would be blocked only about three minutes at one time and 5 to 7 minutes at another time. He stated McDowell would be closed approximately two hours and the Police Department would detour traffic around the area. Ms. Cates moved that the race route be approved with the understanding all the conditions of the Police Department are met. Her motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ENCROACHMENT - THE MECCA RESTAURANT - APPROVED CONDITIONALLY

John Dombalis, representing the Mecca Restaurant, was at the meeting to request an encroachment over the sidewalk, nine feet above the sidewalk and six feet from the face of the building. Mr. Dombalis indicated they are going to make some repairs at the restaurant and want to install a new awning. He stated the awning will be of fire retarded material. City Manager Benton indicated Administration has no objection as long as the awning is fire retarded and meets all requirements of the code. Mr. Walters moved approval of the encroachment as outlined. His motion was seconded by Mr. Keller and put to a vote which past unanimously. The Mayor ruled the motion adopted.

SURPLUS PROPERTY - REQUEST FOR REFUND - REFERRED TO THE LAW AND FINANCE COMMITTEE

Larry Beaver was at the meeting indicating he purchased a number of items from the City at the last sale of surplus vehicles and equipment. He stated his home is in Concord and he is having trouble moving some of this equipment, mainly five cars and the surplus flooring from the Municipal Building computer room and he would like for the Council to consider refunding his money with the understanding that he would not submit another bid on surplus equipment to the City. It was pointed out that this request includes five cars (Items 24, 25, 26, 27, 31 and 51) as well as the computer flooring. He stated he is an compulsive bidder and it is causing problems with his family as they feel that he is moving Raleigh to Concord, item by item. He indicated in addition he purchased one of the cars for his mother-in-law and was told by the Fire Department that it was in good shape, however when he went to pick it up, all the spare tires, jacks, etc., had been removed from it as well as some of the wires cut. Mr. Walters indicated he did not know whether the City could refund the money and did not know whether it would be legal to refuse to accept bids from anyone. Brief discussion took place with the City Manager indicating he feels that we could retain the 5% bid bond and refund him the money and that would be grounds for refusing to accept bids from him again. City Manager Benton also indicated we received the same type request from Mr. Beaver several years ago. He stated there would be some cost to the City in terms of storing and rebidding these items. Mr. Beaver indicated his psychologist had told him he was a compulsive bidder and he needs some help. Discussion took place on exactly what had occurred with City Manager Benton indicating Mr. Beaver bid on the items, the sale was confirmed by the Council at the July 3 meeting, and on July 5 he came by and paid for the items and was told he had one week to remove them. It was pointed out the items he was requesting a refund on amounts to some $1,020. Other discussion took place, after which Ms. Block moved that the item be referred to Law and Finance Committee. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

DRAINAGE PROBLEMS - VILLAGE ON THE GREEN/MAGNOLIA RUN - REFERRED TO PUBLIC WORKS COMMITTEE

Mr. Congleton indicated as a point of personal privilege, he would like permission for Daniel C. Greene to speak before the Council. Without objection this was agreed to.

Mr. Greene, 7113 Summerland Drive, was at the meeting indicating he wanted to make the City Council aware of a developer who has come in and is doing development in the City of Raleigh and is not being regulated to any large degree. He indicated in late August or September, the developer came in and stripped the land of trees, debris, etc. constructed a holding pond and it is causing flooding in the area. He stated this relates to Village on the Green/Magnolia Run Subdivision. He indicated since the flooding begin to such a large degree, they have had three City inspectors out, all stating there was nothing they could do because the developer was doing the work within Code. He stated they were very emphatic that they felt the Code needed to be changed. He indicated he had contacted the Wake Soil Erosion and Conservation Division and read a letter from them relating to the problems. He stated he had talked to City and County officials and had, at his own expense, hired an engineer to find out that to do about the damage. He stated his property is useless from many standpoints and there seems to be nothing he can do or require the developer to do. He stated he has looked every where for help, pointing out the developer had destroyed his property that the City tells him the developers are doing everything required by the Code. He pointed out the City issues permits and if they have no authority to regulate the development, he feels that at least they have authority to regulate who gets permits.

Brief discussion took place with Mrs. Block pointing out there is nothing in any law that would relieve people of their responsibility when they do harm to their neighbor. Mr. Walters pointed out however, the City has some problems in that State statutes require that water can follow its natural flow and that creates some of the problem here. In response to questioning, Mr. Greene indicated he is directly outside the City Limits. Mrs. Cates questioned if he had talked to the developer of Magnolia Run, with Mr. Greene indicating he had many times. Mayor Upchurch indicated the Public Works Committee is reviewing this problem city-wide and perhaps this item could be reviewed along with that. Without objection, the item was referred to the Public Works Committee.

PUBLIC HEARING

ANNEXATION - KING'S MILL VILLAGE - REFERRED TO INTERGOVERNMENTAL COMMITTEE

This was a hearing to consider the contiguous annexation, by petition, of Lots 70, 71 and 72 of King's Mill Village. The hearing is pursuant to petition, notification and advertisement as required by law. The Mayor opened the hearing. No one asked to be heard. Thus the hearing was closed.

City Manager Benton indicated the process we are working on in this area includes a plan for handling the drainage problem in the area. He stated the financial commitments for handling the drainage problem has not been completed in terms of the developer providing the portion of money that it needed. He pointed out on a petitioned annexation, you must annex within six months of the hearing and he would suggest referring this item to the a committee to see if the items could be worked out prior to taking action on the annexation. Without objection the item was referred to the Intergovernmental Committee.

ANNEXATION - STONEHENGE X - HEARING - RESOLUTION AND ORDINANCE ADOPTED - EFFECTIVE DECEMBER 31, 1984

This was a hearing to consider the contiguous annexation, by petition, of property known as Stongehenge X. .The hearing is pursuant to petition, notification, and advertisement as required by law. Planning Director Chapman explained the location involved. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Ms. Cates moved adoption of an ordinance annexing the property effective December 31, 1984 and a resolution assigning the property to Council Electorial District A. Her motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 573 and Ordinance 379.

RESOLUTION NO. (1984) - 573

A RESOLUTION TO AUTHORIZE THE INCLUSION OF STONEHENGE X IN CITY ELECTORAL DISTRICT A

WHEREAS, the City Council of the City of Raleigh did, by Ordinance No. (1984) - 379 adopted July 17, 1984 annex a parcel of land being commonly referred to as Stonehenge X; and,

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District A is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as Stonehenge X as described in Ordionance No. (1984) - 379 be added to City Electoral District A.

Adopted: 7/17/84

Effective: 12/31/84

ORDINANCE NO. (1984) - 379

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS STONEHENGE X

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A-31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on July 17, 1984 at 7:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of December 31, 1984:

BEGINNING at a point, said point being the intersection of the eastern right-of-way of NC Highway 50 and the proposed northern right-of-way of Bridgeport Drive (the extension of Howard Road), thence along said proposed northern right-of-way of Bridgeport Drive N86°38'08"E a distance of 660.43', thence along a curve to the left a radius of 1457.08' a distance of 1586.01', thence N24°16'11"E 553.01', thence across the proposed right-of-way of Bridgeport Drive S64°03'12"E 60.02' to the southeastern right-of-way of proposed Bridgeport Drive N24°16'11"E 135.48'. Thence leaving said proposed right-of-way S57°29'14"E 43.84', S13°41'16"E 360.89', along a common property line between proposed Stonehenge Subdivision and proposed Crosswinds Subdivision S05°18'30"W 113.65", S25°31'24"E 243.73', S32°44'04"E 191.18', S20°55'46"E 113.36', S11°31'03"E 325.20', S00°22'18"W 16.04', S41°54'48"E 265.50', S05°49'11"W 302.28', N87°58'16"W 150.00' to a point in the common property line of proposed Stonehenge Subdivision, Crosswinds Subdivision, and Bluffridge Subdivision, being contiguous to the existing City Limits of Raleigh. Thence S70°08'56"W 513.97', leaving said City Limits line and continuing N04°06'00"W 102.69', S85°54'00"W 150.00', N04°06'00"W 110.00', N13°21'25"W 110.00', N26°22'05"W 108.36', N38°55'39"W 100.00', N46°14'01"W 465.00' to the southern right-of-way of proposed Bridgeport Drive, thence along said right-of-way a curve to the right, a radius of 1517.08' a distance of 959.70', S86°38'08"W 658.83', thence along the existing eastern right-of-way of NC Highway 50 N04°53'23"E 60.02' to the point and place of BEGINNING, containing 31.72 acres according to a map drawn by Tom Coffey & Associates and dated 4-26-84, revised 6-5-84.

Section 2. It being understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective December 31, 1984.

Adopted: 7/17/84

Effective: 12/31/84

ANNEXATION - FIRST UNITED PENTECOSTAL CHURCH - HEARING - RESOLUTION AND ORDINANCE ADOPTED - EFFECTIVE DECEMBER 31, 1984

This was a hearing to consider the contiguous annexation, by petition, of property known as Wheeler Place - First Pentecostal United Church. The hearing is pursuant to petition, advertisement, and notification as required by law. Planner Director

Chapman explained the location involved. The Mayor opened the hearing. No one asked to be heard, thus the hearing was closed. Mr. Keller moved adoption of a ordinance annexing the property effective December 31, 1984 and a resolution assigning the property the City Council Electorial District D. His motion was seconded by Mr. Walters and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Resolution 574 and Ordinance 380.

RESOLUTION NO. (1984) - 574

A RESOLUTION TO AUTHORIZE THE INCLUSION OF WHEELER PLACE - FIRST PENTECOSTAL UNITED CHURCH IN CITY ELECTORAL DISTRICT D

WHEREAS, the City Council of the City of Raleigh did, by Ordinance No. (1984) - 380 adopted July 17, 1984, annex a parcel of land being commonly referred to as Wheeler Place - First Pentecostal United Church; and

WHEREAS, any such annexation must be assigned to one of the City's five voting districts to assure adequate representation of the residents thereof; and

WHEREAS, District D is the logical place to assign this annexation due to its proximity to the newly annexed area.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA:

Section 1. That the area known as Wheeler Place - First Pentecostal United Church as described in Ordinance No. (1984) - 380 be added to City Electoral Distirct D.

Adopted: 7/17/84

Effective: 12/31/84

ORDINANCE NO. (1984) - 380

AN ORDINANCE TO EXTEND THE CITY LIMITS OF THE CITY OF RALEIGH BY ANNEXING PROPERTY CONTIGUOUS TO THE CITY LIMITS DESCRIBED AS WHEELER PLACE - FIRST PENTECOSTAL UNITED CHURCH

WHEREAS, a petition was filed and found sufficient for the voluntary annexation of said property by the owner(s); and

WHEREAS, pursuant to provisions of Section 160A-31 of the General Statutes of North Carolina, a public notice was given by publication in a newspaper in Wake County with a general circulation in the municipality, describing by metes and bounds the territory herein described to be annexed to the City of Raleigh, notifying residents of the City of Raleigh that a meeting of the City Council would be held on July 17, 1984 at 7:00 p.m., or as soon thereafter as the matter could be heard, in the Council Chamber, for the purpose of considering the annexation of such territory to the municipality; and

WHEREAS, any and all comments were heard and considered at said public hearing; NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following described property be and the same is hereby annexed to the City of Raleigh as of December 31, 1984:

Beginning at an iron pipe in the western right-of-way of Lake Wheeler Road said point being located 400' more or less north of the intersection of Henslowe Drive with Lake Wheeler Road, said point also being the southeastern corner of the Roy F. Hollfield property; thence with the western right-of-way of Lake Wheeler Road South 56°34'33" West 918.15' to a concrete monument; thence leaving said right-of-way with F. M. Brooks, Floyd L. Young Subdivision and the F. L. Young properties North 70°15'West 1774.25' to a concrete monument in the eastern right-of-way of N. C. S.R. No. 1355; thence with said right-of-way North 06°19'36" East 119.65' to a point; thence continuing with said road North 01°44'29" East 246.14' to point in the right-of-way of said road; thence with the southern line of E. T. Yost South 73°34'47" East 351.86' to a point; thence continuing with said Yost properties North 01°24'27" East 258.06' to a point in the southern line of the Pleasant Ridge Estates Subdivision; thence with said Subdivision South 73°33'21" East 537.92' to a point; thence South 73°21'48" East 1623.65' to the Point of Beginning, containing 30.3966 acres as shown on a plat entitled 'Annexation Plat Properties of CB&S, a N.C. Partnership, and The First United Pentacostal Church," dated 4-17-84 and prepared by Bass, Nixon & Kennedy, Inc.

Section 2. It being understood and agreed that the developer will at his expense construct streets and install utilities within the annexed area.

Section 3. That the Mayor of the City of Raleigh shall cause an accurate map of such annexed territory, together with a copy of this ordinance, duly certified, to be recorded in the office of the Register of Deeds for Wake County, and in the office of the Secretary of State of North Carolina.

Section 4. That this ordinance shall become effective December 31, 1984.

Adopted: 7/17/84

Effective: 12/31/84

REPORT OF THE PLANNING COMMISSION

PLANNING COMMISSION CONSENT AGENDA - APPROVED AS AMENDED

Mayor Upchurch indicated the Planning Commission recommendations on the following items were unanimous. The Council Members may wish to consider these items in the same manner as you consider items on the Consent Agenda. Items marked with one asterisk (*) beside the Certified Recommendation number are located within flood-prone areas. Items marked with two asterisks (**) beside the Certified Recommendation number are located within the Falls Basin. Mr. Upchurch requested that CR-5104 (S-88-84), CR-5105 (S-89-84) and CR-5158 (Z-90-83) be withdrawn from the Consent Agenda pointing out all three are involved with the outer belt loop and he would like to refer them to Committee. Mr. Walters objected to them being referred to Committee without being explained, therefore the items were withdrawn from the Consent Agenda and it was agreed to discuss them separately. Ms. Cates indicated all of the items related to floodplain areas and marked such on the Agenda she feels should be pulled and considered separately. Therefore the following items were withdrawn from the Consent Agenda: CR-5139 (S-106-84), CR-5140 (S-107-84), CR-5144 (S-111-84), CR-5147 (S-113-84), CR-5155 (PA-219) and CR-5151 (SC-240). Mr. Keller moved that the Planning Commission's recommendation on the remaining items on the Consent Agenda be upheld. His motion was seconded by Mr. Walters and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The items on the Planning Commission Consent Agenda were as follows.

SUBDIVISION S-98-84 - GREENCASTLE, LOT 1 - APPROVED

This was a request for approval to subdivide a 0.42 acre parcel which is currently undeveloped and zoned Residential-15 into two (2) lots.

The property is located at the southern corner of Greencastle Court and Brockton Drive, inside the City Limits.

CR-5132 from the Planning Commission recommended that this request be approved according to a map entitled, "Greencastle, Lot 1," the property of T. A. Blanton, et al, drawn by Murphy-Yelle Associates, dated June 20, 1984. Consent Agenda approval - Keller/Walters - 6 ayes.

SUBDIVISION S-99-84 - CROWN OAKS TOWNHOUSES - APPROVED WITH CONDITION

This was a request for approval to subdivide and construct 20 townhouse units on 3.3 acres which are currently undeveloped and zoned Residential-6.

The property is located on the south side of Crown Oaks Drive, just east of Six Forks Road, outside the City Limits.

CR-5133 from the Planning Commission recommended that this request be approved according to a map entitled, "Crown Oaks Townhouses," the property of Cipress Corporation, drawn by Evans Engineering, Incorporated, dated June 19, 1984, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval - Keller/Walters - 6 ayes.

SUBDIVISION S-101-84 - BREEZY HEIGHTS - APPROVED

This was a request for approval to subdivide a 10.5 acre parcel which is currently undeveloped and zoned Residential-10 into 27 lots.

The property is located on the west side of Bennett Street, just north of Glascock Street, inside the City Limits.

CR-5134 from the Planning Commission recommended that this request be approved according to a map entitled, "Breezy Heights," the property of Rebecca C. Weatherford, drawn by McNeill and Associates, dated July 3, 1984. Consent Agenda approval - Keller/Walters - 6 ayes.

SUBDIVISION S-102-84 - OAK BRIDGE CONDOMINIUMS - APPROVED WITH CONDITIONS

This was a request for approval to subdivide and construct 19 condominium units on .98 acre which is currently undeveloped and zoned Residential-20.

The property is located on the west side of Watauga Street, just north of North Boundary Street, inside the City Limits.

CR-5135 from the Planning Commission recommended that this request be approved according to a map entitled, "Oak Bridge Condominiums," the property of George Ellinwood, drawn by Troy Herring, III, AIA, dated June 20, 1984, with the condition that the property be recombined into one (1) parcel prior to issuing building permits. Consent Agenda approval - Keller/Walters - 6 ayes.

SUBDIVISION S-103-84 - PERRY PROPERTY - APPROVED

This was a request for approval to subdivide a 2.07 acre parcel into four (4) lots, zoned Residential-4. The site is currently developed with one (1) single-family home.

The property is located on the east side of Duraleigh Road, just south of Rockwood Drive, outside the City Limits.

CR-5136 from the Planning Commission recommended that this request be approved according to a map entitled, "Perry Property," the property of Hulon T. Perry, drawn by Richard Stickney, dated July 5, 1984. Consent Agenda approval - Keller/Walters - 6 ayes.

SUBDIVISION S-104-84 - NEW BERN PLACE CONDOMINIUMS - APPROVED WITH CONDITIONS

This was a request for approval to construct 18 condominium units in two (2) buildings on .58 acre which is currently undeveloped and zoned Office and Institution-II.

The property is located at the southwestern corner of North Person Street and East Edenton Street, inside the City Limits.

CR-5137 from the Planning Commission recommended that this request be approved according to a map entitled, "New Bern Place Condominiums," the property of City of Raleigh/Martin Development Group, drawn by the Architectural Group, dated July 2, 1984, with the following conditions: (1) Since this plan is within the Capitol Area Historic District, the Historic District Commission must approve and issue a Certificate of Appropriateness for the project. The Commission has given conditional approval to the project and Staff recommends that no building permits be issued prior to final approval by the Historic District Commission; (2) that the Planning Commission approve the variances to Section 10-2075 as requested by the applicant; and (3) that the Board of Adjustment grant a variance for the encroachment of parking into the five-foot (5') planting strip. Consent Agenda approval - Keller/Walters - 6 ayes.

PA-216 - NEW BERN PLACE CONDOMINIUMS - APPROVED WITH CONDITIONS

This was a request for approval to construct 18 condominium units in two (2) buildings on .58 acre which is currently undeveloped and zoned Office and Institution-II.

The property is located at the southwestern corner of North Person Street and East Edenton Street, inside the City Limits.

CR-5138 from the Planning Commission recommended that this request be approved according to a map entitled, "New Bern Place Condominiums," the property of City of Raleigh/Martin Development Group, drawn by the Architectural Group, dated July 2, 1984, with the following conditions: (1) Since this plan is within the Capitol Area Historic District, the Historic District Commission must approve and issue a Certificate of Appropriateness for the project. The Commission has given conditional approval to the project and Staff recommends that no building permits be issued prior to final approval by the Historic District Commission; (2) that the Planning Commission approve the variances to Section 10-2075 as requested by the applicant; and (3) that the Board of Adjustment grant a variance for the encroachment of parking into the five-foot (5') planting strip. Consent Agenda approval - Keller/Walters - 6 ayes.

SUBDIVISION S-109-84 - WESTWOOD - APPROVED WITH CONDITION

This was a request for approval to subdivide and construct 144 townhouse units on 25.9 acres which are currently undeveloped and zoned Residential-6.

The property is located on the west side of NC 50, south of Wilderness Road, outside the City Limits.

CR-5142 from the Planning Commission recommended that this request be approved according to a map entitled, "Westwood," the property of Charter Carolina Company, drawn by Evans Engineering, Incorporated, dated June 19, 1984, with the condition

that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plats. Consent Agenda approval Keller/Walters - 6 ayes.

SUBDIVISION S-112-84 - LAFAYETTE SQUARE - APPROVED

This was a request for approval to subdivide and construct a 25,117 square foot office condominium project consisting of two (2) structures on 1.45 acres which are currently undeveloped and zoned Office and Institution-I.

The property is located on the east side of Windy Hill Drive, north of Millbrook Road, inside the City Limits.

CR-5145 from the Planning Commission recommended that this request be approved according to a map entitled, "Lafayette Square," the property of Frank P. Lovick, drawn by J. Fred Davis, Jr., Incorporated, dated June 19, 1984. Consent Agenda approval - Keller/Walters - 6 ayes.

PA-217 - LAFAYETTE SQUARE - APPROVED

This was a request for approval to construct a 25,117 square foot office condominium project consisting of two (2) structures on 1.45 acres which are currently undeveloped and zoned Office and Institution-I.

The property is located on the east side of Windy Hill Drive, north of Millbrook Road, inside the City Limits.

CR-5146 from the Planning Commission recommended that this request be approved according to a map entitled, "Lafayette Square," the property of Frank P. Lovick, drawn by J. Fred Davis, Jr., Incorporated, dated June 19, 1984. Consent Agenda approval - Keller/Walters - 6 ayes.

SUBDIVISION - S-115-84 - HARTFORD HILLS (ROAD DEDICATION) - APPROVED WITH CONDITION

This was a request for approval to subdivide and dedicate the extension of Pleasant Valley Road. The 1.62 acres of right-of-way will leave a 20.1 acre parcel which is zoned Office and Institution-I. The property is located on the west side of Duraleigh Road, just south of US 70, outside the City Limits.

CR-5148 from the Planning Commission recommended that this request be approved according to a map entitled, "Hartford Hills (Road Dedication)," the property of C. Square Investments, Incorporated, drawn by Paton, Zucchino and Associates, dated June 22, 1984, with the condition that a recombination be recorded prior to recording the subdivision plan.

PA-218 - HARTFORD HILLS APARTMENTS - APPROVED WITH CONDITION

This was a request for approval to construct a 398-unit apartment project on 20.1 acres which are currently undeveloped and zoned Office and Institution-I.

The property is located on the west side of Duraleigh Road, just south of US 70, outside the City Limits.

CR-5149 from the Planning Commission recommended that this request be approved according to a map entitled, "Hartford Hills Apartments," the property of C. Square Investments, Incorporated, drawn by Paton, Zucchino and Associates, dated June 22, 1984, with the condition that a recombination be recorded prior to the signing of the final plans by the Planning Staff. Consent Agenda approval - Keller/Walters - 6 ayes.

SC-242- NORTH HILLS MALL RENOVATIONS - APPROVED

This was a request for approval to renovate the exterior of an existing shopping center by adding canopies, skylight and new entranceway. The site is zoned Shopping Center.

The property is located at the northwest corner of Six Forks Road and the Beltline, inside the City Limits.

CR-5152 from the Planning Commission recommended that this request be approved according to a map entitled, "North Hills Mall Renovations," the property of North Hills, Incorporated, drawn by Quick Associates, dated February 1, 1984. Consent Agenda approval - Keller/Walters - 6 ayes.

PA-223 - RALEIGH PRE-SCHOOL ADDITIONS - APPROVED

This was a request for approval to construct a 1,086 square foot addition onto an existing pre-school on a 0.66 acre site zoned Office and Institution-I.

The property is located on the west side of Ridge Road, just north of Wade Avenue, inside the City Limits.

CR-5156 from the Planning Commission recommended that this request be approved according to a map entitled, "Raleigh Pre-School Additions," the property of Raleigh Pre-School, drawn by Angshuman De Architects, dated July 2, 1984. Consent Agenda approval - Keller/Walters - 6 ayes.

REZONING Z-48-84 - CREST ROAD - APPROVED AS AMENDED - ORDINANCE ADOPTED

This was a request for approval to rezone approximately 24 acres from Residential-10 to Residential-15.

CR-5157 from the Planning Commission recommended that Z-48-84 be approved as amended; that is, that the property contained in Z-48-84 be rezoned to Residential-15, Residential-20 and Conservation/ Buffer according to a map on file in the Planning Department entitled, "Z-48-84," drawn by Lovett and Bunn, Incorporated. Consent Agenda approval - Walters/Keller - 6 ayes. See Ordinance 381 ZC 142.

DEVELOPMENT FEES - INFORMATION RECEIVED

CR-5159 from the Planning Commission requested that the City Council consider a development fee system as part of the City development regulations. Consent Agenda approval - Keller/Walters - 6 ayes.

END OF THE PLANNING COMMISSION CONSENT AGENDA

SUBDIVISION S-88-84 - HONEYCUTT CREEK ROAD PROPERTY AND S-89-84 TIPPER WOODS - REFERRED TO THE LAW AND FINANCE COMMITTEE

Subdivision S-88-84 was a request for approval to subdivide an 84 acre tract zoned Residential-1 into 69 single-family lots. The site has three (3) structures on the property.

The property is located on the east and west sides of Honeycutt Creek Road, south of Mt. Vernon Church Road, outside the City Limits.

CR-5104 from the Planning Commission recommended that this request be denied according to a map entitled, "Honeycutt Creek Road Property," the property of James Clyde Copeland, et al, drawn by Envirotek, Incorporated, dated May 18, 1984.

S-89-84 was a request for approval to subdivide a 122.5 acre tract which is currently undeveloped and zoned Residential-1 into 92 single-family lots.

The property is located on the east side of Six Forks Road, north of Strickland Road, outside the City Limits.

CR-5105 from the Planning Commission recommended that this request be denied according to a map entitled, "Tipper Woods," the property of C. L. Benson, Sr., drawn by Envirotek, Incorporated, dated June 1, 1984.

Mayor Upchurch indicated he had suggested that these two subdivisions along with rezoning application Z-90-83 be referred to Committee because they all are involved with the outer beltloop. Planning Director Chapman explained the location and the recommendation of the Planning Commission pointing out these are compatible cases and it is not simply a matter of the subdivisions being in the Falls Basin. He pointed out one of the subdivision's propose the reservation of right-of-way that took almost all of the property and the Planning Commission was concerned about the equity. He indicated one piece of the property was virtually rendered useless and about a third of the other subdivision was involved in the outer beltloop and the fairness, compensation and equity question entered into the Planning Commission's recommendation. Mr. Walters asked for the City Attorney's opinion on these cases with the Attorney indicating the City Council would have to abide by the subdivision regulations. He stated he did not wish to discuss these further except in executive session. The Council's past policy in asking for the reservation of right-of-way, the fact that in this particular area, the outer beltloop now has exit and entrance ramps or clover leafs and the Falls Lake Technical Advisory Committee's recommendation on the clover leafs in this area were discussed with Ms. Block indicating it seems to her that we could deny these subdivisions, as they seem to be premature and discuss the beltloop design further.. She stated she just did not feel that we could approve the subdivisions at this point. Mr. Walters questioned if we could request reservation of right-of-way, pointing out however, we would have a certain period of time to either purchase the property or to let the developers build on the property. The difference in subdivision and zoning actions was discussed at length, after which by general consensus, the two subdivisions were referred to Law and Finance Committee.

REZONING Z-90-83 - SIX FORKS ROAD - REFERRED TO LAW AND FINANCE COMMITTEE

This was a request for approval to rezone approximately 120 acres from Residential-1 to Residential-4.

CR-5158 from the Planning Commission recommended that Z-90-83 be denied.

Planning Director Chapman explained the rezoning application. Mr. McNeely indicated the property owners have agreed to give the right-of-way involved in the outer beltloop. Ms. Block indicated she feels that this is different from the Subdivisions

S-88 and S-89, pointing out this is a zoning case. She briefly discussed the Falls Advisory Committee's report and moved that the Council uphold the Planning Commission's recommendation or denial. Her motion was seconded by Mr. Keller. Mr. Congleton indicated we will have a public hearing on Thursday night on the issue relating to Falls basin and development in that area. He stated he feels it would be appropriate to take a look at this zoning case along with Subdivision S-88 and S-89 in light of that. He stated when all of the text changes have been finalized, then he feels it would be time to act on these cases. He pointed out the Council has endorsed certain concepts in the Falls basin, but they have not been finalized. He indicated he was not saying he was for or against this rezoning, but he felt the zoning case should be referred to the Law and Finance committee along with the two subdivisions. The motion as stated was put to a vote which resulted in Ms. Block and Mr. Keller voting in the affirmative and the remainder of the Council voting in the negative. The Mayor ruled the motion defeated. Mr. Congleton moved that rezoning Z-90-83 be referred to the Law and Finance Committee. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SUBDIVISION 106-84 - OXFORD ROAD TOWNHOUSES - APPROVED WITH CONDITIONS

This was a request for approval to subdivide and construct 47 townhouse units on eight (8) acres, zoned Residential-10. The site is currently developed with one (1) single-family house which will be removed.

The property is located on the east side of Oxford Road, west of Carroll Drive, inside the City Limits.

CR-5139 from the Planning Commission recommended that this request be approved according to a map entitled, "Oxford Road Townhouse," the property of White Oak Properties, drawn by Paton, Zucchino and Associates, dated July 6, 1984, with the condition that the legal documents for the non-profit homeowners association be reviewed and approved by the City Attorney's Office prior to recording the final plans.

Planning Director Chapman explained the location with Ms. Cates indicating she asked that the item be withdrawn from the Consent Agenda as floodplain areas are involved. Mr. Chapman indicated none of the structures lie within the floodway fringe. Ms. Block moved the Planning Commission's recommendation be upheld which was seconded by Mr. Congleton. Ms. Cates questioned if the Planning Commission looked at the possible flooding down stream as a result of this development with Mr. McNeely indicating they did not. The motion as stated was put to a vote which resulted in all members voting in the affirmative except Ms. Cates who voted in the negative. The Mayor ruled the motion adopted.

SUBDIVISION S-107-84 WILLOW CREEK, PHASE II - APPROVED WITH CONDITIONS; CITY TO ACCEPT GREENWAY PROPERTY

This was a request for approval to subdivide a 66.59 acre parcel which is currently undeveloped, zoned Residential-4, and within the Perry Creek-Neuse River Basin into 45 lots.

The property is located south of Buffaloe Road, between Willow Creek Subdivision and the Neuse River, outside the City Limits.

CR-5140 from the Planning Commission recommended that this request be approved according to a map entitled, "Willow Creek, Phase II," the property of Russell Stoutt, drawn by John W. Harris and Associates, dated June, 1984, with the condition that Lots 6, 15 through 28, 32 and 33, and 36 through 44 must receive final approval from the Wake County Health Department for the use of individual septic systems prior to recording these lots; and that the dedication of 4.41 acres of land as greenway be accepted.

Planning Director Chapman explained the subdivision and the Planning Commission's recommendation. Ms. Block questioned if the septic tanks would be in the floodway with Mr. McNeely indicating they would not. Ms. Cates questioned that Staff felt that this development would increase flooding downstream, with Mr. Chapman indicating that is a very complex question, pointing out any change that is made anywhere in the impervious surface will have an effect. He indicated that this Subdivision does meet all ordinances and requirements of the code.

Discussion took place on the flooding problems in the City in general and what authority the Council has, the fact that the 4.41 acres is in the floodway area and how to preclude development in floodprone areas to prevent impact from downstream. Mr. Walters moved the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

SUBDIVISION S-111-84 - PARAGON PARK - APPROVED WITH CONDITIONS

This was a request for approval to resubdivide a 24.3 acre tract which is currently undeveloped and zoned Industrial-I and Residential-1 into 15 lots. The previous plan was for 11 lots.

The property is located on the east side of US 1 North, just south of Perry Creek Road, outside the City Limits.

CR-5144 from the Planning Commission recommended that this request be approved according to a map entitled, "Paragon Park," the property of Paragon Development Company, drawn by Priest, Craven and Associates, dated May 16, 1984, with the following conditions: (1) That a stormwater management plan and program be developed and approved by the Staff in conformance with the Perry Creek Stormwater Policy being formulated by the City Council; (2) that the developers conform with the new Perry Creek Policies for water and sanitary sewer extensions in the Perry Creek Area; and (3) that no lots be recorded in this development until the Public Utilities Department can verify that there is capacity provided for this site in the private treatment facility.

Planning Director Chapman explained the subdivision and Planning Commission Chairman McNeely explained the Planning Commission's recommendation. Mr. Walters moved the Planning Commission's recommendation be upheld. His motion was seconded by Mr. Congleton and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

SUBDIVISION S-113-84 - RALEIGH COMMERCE PARK - APPROVED

This was a request for approval to subdivide a 79.9 acre parcel which is currently undeveloped and zoned Industrial-I into 89 lots.

The property is located on the south side of US 64 adjacent on the east by the City landfill, inside and outside the City Limits.

CR-5147 from the Planning Commission recommended that this request be approved according to a map entitled, "Raleigh Commerce Park," the property of Triangle Investment Partners, drawn by McNeely Associates, dated June 22, 1984.

Planning Director Chapman explained the subdivision and Planning Commission Chairman McNeely explained the Planning Commission's recommendation and the discussion of the Planning Commission. Mr. Walters moved the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Cates and the motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

SC-240 - CRABTREE VALLEY RENOVATIONS - APPROVED

This was a request for approval to expand the existing 1,000,000 square foot shopping center by covering approximately 2,250 square feet of property with a greenhouse. The site is zoned Shopping Center.

The property is located at the southwest corner of NC 50 and Glenwood Avenue, inside the City Limits.

CR-5151 from the Planning Commission recommended that this request be approved according to a map entitled, "Crabtree Valley Renovations," the property of C. V. M. Associates, drawn by Hakan/Corley and Associates, dated June 18, 1984.

Ms. Cates indicated she asked that this one be withdrawn from the Consent Agenda, pointing out it does relate to Crabtree Valley Shopping Center and the the Agenda did not indicate that this is in a floodprone area. Planning Director Chapman indicated this is not dealing with new construction but with renovation. He explained the request as well as the Planning Commission's recommendation. Ms. Block moved the Planning Commission's recommendation be upheld. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

PA-219 - HILLSBOROUGH ROW - REFERRED TO PUBLIC WORKS COMMITTEE

This was a request for approval to construct two (2) buildings on three (3) lots zoned Buffer Commercial, Residential-6 and Conservation/Buffer. The two (2) buildings will contain 1,125 square feet of commercial space, 15,525 square feet of office space and 14 residential units. The 1.84 acre tract contains three (3) lots - .3 acre, .59 acre and .95 acre.

The property is located at the northeast corner of Hillsborough Street and Furches Street.

CR-5155 from the Planning Commission recommended that this request be approved according to a map entitled, "Hillsborough Row," the property of 727 Associates, drawn by Angster Associates, dated July 2, 1984, with the condition that a detailed landscaping plan be approved by the staff prior to issuing a building permit.

Planning Director Chapman explained the request. Ms. Cates indicated she had some calls from adjacent property owners that wanted an opportunity to look this over. Therefore she would move that the matter be referred to Public Works Committee. Her motion was seconded by Mr. Keller. Mr. Walters indicated when the zoning was placed on this property, there was a lot of discussion and debate and he feels that this is a solution that was worked out that will be to the benefit of the neighborhood. Ms. Cates indicated she had been asked by the adjacent property owners for an opportunity to look at it, therefore she would like the matter referred to a committee for discussion. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

SUBDIVISION S-108-84 - BRITTANY WOODS III - REFERRED TO THE LAW AND FINANCE COMMITTEE

This was a request for approval to subdivide a 28 acre tract which is currently undeveloped and zoned Residential-4 into 111 single-family lots and 34 townhouse units under the Cluster Unit Development standards.

The property is located west of Leesville Road and north of Spring Drive, outside the City Limits.

CR-5141 from the Planning Commission recommended that this request be approved according to a map entitled, "Brittany Woods III," the property of Edd K. Roberts and Rol Sass, drawn by Barrett Kays and Associates, dated July 2, 1984, with the condition that the homeowners association for Brittany Woods consent to the annexation of Brittany Woods III prior to the recordation of any lots in Brittany Woods III.

Planning Director Chapman explained the request. Planning Commission Chairman McNeely explained that this particular case involved adding to an existing development by the same developer and there were concerns whereas the utilities for the new section had to come back across the old section. Mr. Congleton indicated it is his understanding that they have not been able to work out the agreement with the Homeowners Association, therefore, he would like to refer this to Law and Finance Committee until they have an opportunity to sit down and work out the agreements and then the Committee could discuss it. Mr. Congleton moved that the matter be referred to the Law and Finance Committee. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

COMMITTEES, COMMISSIONS AND BOARDS

COMMITTEES, COMMISSIONS AND BOARDS - LENGTH OF SERVICE - REFERRED TO CITY ATTORNEY

Mr. Walters indicated that he would like to suggest changing the policy as it relates to the length of service on Committees, Commissions and Boards. He stated we presently have a maximum time limit of eight years on any one Committee, Commission and Board. He stated he would like to suggest that in the event a nominee has served more that six years, that our appointment policy be changed so that an appointment could be made for a length of time that would not carry a person over the eight year maximum limit explaining presently all appointments are for two year terms. Brief discussion took place as to whether this is an ordinance or a policy, after which it was agreed to refer it to the City Attorney to work with the City Clerk to draft the appropriate change.

SISTER CITY AD HOE COMMITTEE - APPOINTMENT MADE

The City Clerk reported one vacancy and no nominations have been made. Mr. Walters nominated R. Marc Jordan, President of the Raleigh Chamber of Commerce. Mr. Congleton moved that we suspend the rules and elect Mr. Jordan by acclamation. His motion was seconded by Mr. Keller and put to a vote which resulted in all members voting in the affirmative except Mr. Walters and Mrs. Block who voted in the negative. The Mayor ruled the motion adopted.

HISTORIC PROPERTIES COMMISSION - APPOINTMENTS MADE; NOMINATIONS MADE FOR REMAINING VACANCIES

The City Clerk reported two vacancies as Mrs. John T. Rice and L. W. Seegars could not accept reappointment. Nominations include Ms. John Jadwick, Ms. Chris Lawton and Frances Whitley. Nominations have not been closed. The City Clerk reported since the memo was written, she had received resignations from G. Clarke Crampton and Warren Lail so there are actually four vacancies and three nominees. Brief discussion took place, after which Ms. Block moved that we close nominations and elect these three by acclamation which would leave one vacancy. However, this did not receive a second. After other discussion by general consensus, it was agreed to close nominations for the two vacancies that existed prior to today and vote and then open nominations for the two vacancies that were announced today.

A ballot vote resulted as follows: Ms. Jadwick - 5 (Upchurch, Congleton, Keller, Block, Cates); Ms. Lawton - 5 (Upchurch, Congleton, Keller, Block, Walters); Ms. Whitley - 2 (Cates, Walters). The clerk announced the appointment of Ms. Jadwick and Ms. Lawton to a two year term on the Historic Properties Commissions.

The floor was then opened for nominations for the two additional vacancies. Ms. Cates nominated Frances Whitley.

ARTS COMMISSION - APPOINTMENTS MADE

The City Clerk reported the terms of Raymond W. Dew, Jr. and Bill Bates expire August 5. Nominations include Mr. Dew, Mr. Bates, Ann Permar, and Barbara Litack. Nominations have not been closed. Mr. Upchurch indicated he had nominated Mr. Bates, however he had received a copy of his attendance record which does not seen to indicate an interest in being reappointment, therefore he would withdraw the name. Mrs. Block moved that nominations to the Arts Commission be closed. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled

the motion adopted. A ballot vote resulted as follows: Dew - 1 (Congleton); Permar - 5 (Keller, Walters, Upchurch, Block, Cates); Litwack - 6 (Congleton, Keller, Walters, Upchurch, Block, Cates). The Clerk announced the appointment of Ann Permar and Barbara Litwack to the Arts Commission.

HUMAN RESOURCES AND HUMAN RELATIONS ADVISORY COMMITTEE - NO ACTION TAKEN

The City Clerk reported one vacancy due to the resignation of Acie L. Ward. Nominations include David Brownlee and Jessie Cannon. Nominations have not been closed. Ms. Cates moved that nominations to the HRHRAC be closed. Her motion was seconded by Ms. Block and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. A ballot vote resulted as follows: Cannon - 3 (Cates, Keller, Upchurch); Brownlee - 3 (Congleton, Walters, Mrs. Block). As no nominee received five votes, it was agreed to hold this open until the next meeting.

DHIC - NOMINATIONS MADE

The City Clerk reported the term of Shelia Nadar expires September 7. She is not eligible for reappointment under current rules due to length of service. The term of Lulu Robinson also expires on that day. No nominations have been made. Mr. Upchurch nominated Lulu Robinson. Mr. Congleton nominated Berry Williams, Jr. No further action was taken.

ELECTRICAL EXAMINING BOARD - LENOARD W. WHITE APPOINTED

The City Clerk reported the term of Joseph R. Salem expires September 7. He is not eligible for reappointment. During the last meeting, Administration was asked to provide a recommendation as this slot must be filled by a professional registered engineer. The City Clerk reported Administration recommends the appointment of Leonard W. White. Mr. Congleton nominated Mr. White and moved he be appointed by acclamation. By general consensus, the Council agreed.

FIREMAN'S RELIEF FUND - APPOINTMENT MADE

The City Clerk reported the term of George M. D. Howard, expires September 16. He has been nominated for reappointment and nominations have been closed. There being no further no further nominations, Mr. Congleton moved that nominations to the Fireman's Relief Fund be closed, and Mr. Howard appointed by acclamation. His motion was seconded by Mr. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

TRANSIT AUTHORITY - NO ACTION TAKEN

The City Clerk reported the term of C. J. Barber expires September 7. He has served six years and approximately two months. Nominations include Garry Hill. It was agreed that since the Council is thinking about changing the policy on length of service no action would be taken at this point.

GREENWAY COMMISSION - NOMINATIONS MADE

The term of Shelia Goodman expires September 16, 1984 and she will have served six years and one month. The term of Settle Dockery, III expires September 21, 1984. He is eligible for reappointment. No nominations have been made. Mr. Congleton nominated Kyle Highsmith. Mrs. Block nominated Bill Savage. No further action was taken.

HOUSING APPEALS BOARD - COUNTY REPRESENTATIVE - REQUESTED

Mayor Upchurch indicated he had received a letter from Richard Stevens indicating the Board of County Commissioners has asked that the City Council be consulted in making the appointment to fill a vacancy on the Raleigh City Housing Appeals Board to represent the extraterritorial jurisdiction of the City of Raleigh, pointing out the Board of Commissioners would consider the City Council's recommendation at a subsequent meeting. The letter explained, pointing out that this is a process that they will followed in the future in making appointments to the Board of Adjustment and the Planning Commission as well as the Housing Appeals Board. It was agreed that this item would be placed on the Clerk's Appointment memo for the next meeting.

REPORT AND RECOMMENDATION OF THE LAW AND FINANCE COMMITTEE

TRAFFIC - NO PARKING ON FRONT STREET - AUTHORIZED

Chairman Keller reported the Law and Finance Committee recommends approval of the no parking zone as recommended by the Department of Transportation. On behalf of the Committee, he moved that the recommendation be upheld. His motion was seconded by Mr. Upchurch and put to a vote which passed unanimously. The Mayor ruled the motion adopted. See Ordinance 378.

SIGN ORDINANCE - QUESTIONS RELATIVE TO LETTER SIZE - REMOVED FROM THE AGENDA

Chairman Keller reported the Law and Finance Committee recommends removal of this item from the Agenda with no action taken, pointing out the Committee suggested that the applicant file for a text change if he wishs to pursue the matter. On behalf of

the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Cates. Mr. Walters questioned why the applicant should file the text change if there is an inequity, with Mr. Keller pointing out the Committee was not in favor of changing the sign ordinance, but advised the applicant that if he wanted to pursue it, that the route would be through a text change. Mr. Keller reported the applicant was at the meeting and indicated the question was no longer germane. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-50-84 - LEGION STREET AND SUBDIVISION S-35-84 - METHOD SUBDIVISION - PLANNING COMMISSION'S RECOMMENDATION UPHELD

Mr. Keller indicated the Law and Finance Committee recommends approval of rezoning application Z-50-84 as recommended by the Planning Commission in CR-5117 as well as upholding the Planning Commission's recommendation for subdivision of property as contained in CR-5070. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Congleton. It was pointed out the Agenda suggested that the City Council file a petition to down zone the corner lot to R-6, however, Mr. Keller indicated he purposely left this off of the recommendation. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted. See Ordinance 381 ZC 142.

FIRE DEPARTMENT - FUNDING FOR FIRE APPARATUS - TO BE CARRIED OVER

Chairman Keller reported the Law and Finance Committee recommends approval of carrying the funds necessary to rebid the fire apparatus over from last fiscal year's budget to this budget. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Cates. Mr. Walters indicated he had asked that this item be referred to Committee and he will vote for the Committee's recommendation as he realizes we need to carry the funds over. He indicated the purpose for referring it to the Committee was that he understood a pre-bid conference had been held and the same specifications were presented. He stated he thought that we were to restudy the specifications, but he understands that is not the case and we be getting identical bids to what we got the last time. He stated this is just for information. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

PA-222 - SOUTHERN NATIONAL BANK - AUTO TELLER - APPROVED WITH CONDITIONS

Chairman Keller indicated the Law and Finance Committee recommends approval of this plan approval on the condition that the drainage is being deverted from the existing drainage pipe. On behalf of the Committee, he moved the recommendation be upheld. He pointed out the plan available at the meeting shows that this has been done and has been taken care of. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Mr. Congleton and put to a vote which passes unanimously. The Mayor ruled the motion adopted.

UNSAFE BUILDING - DEMOLITION COST - REMOVED WITH NO ACTION TAKEN

Chairman Keller reported the Law and Finance Committee recommends that this item be removed from the Agenda, pointing out this would be confirming previous Council action. He indicated no one appeared at the Committee, however he had been contacted by Margaret Rose Murray, pointing out she had to be called out-of-town and could not be at the meeting, however she did want to discuss the item. Mr. Keller indicated he had told her that she would have to reappear before Council, as he did not feel that her absence from the meeting would have made a difference in the recommendation. Without objection, the item was removed from the Agenda with no action taken.

ENCROACHMENT - 207-209 FAYETTEVILLE STREET MALL - APPROVED CONDITIONALLY

Mr. Keller indicated the Law and Finance Committee recommends approval of a 24-inch encroachment at 207-209 Fayetteville Street Mall provided the standard encroachment agreement is executed. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE PUBLIC WORKS COMMITTEE

CONDOMINIUMS - MINIMUM LOT SIZE - REMOVED FROM THE AGENDA

Mrs. Block reported the Public Works Committee recommends removal of this item from the Agenda. The Comprehensive Planning Committee is currently considering performance standards in higher residential districts; therefore, the Committee suggests that performance standards for condominiums be considered along with this study with special attention given to setback requirements to assure the requirements are compatible with the already existing neighborhoods. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which passes unanimously. The Mayor ruled the motion adopted.

ZONING/FLOODPLAIN AREA - POLICY - APPROVED - ITEM HELD IN COMMITTEE

Mrs. Block indicated the Public Works Committee recommends the following: 1) That a text change be authorized to indicate that site plan approvals can be denied on the basis of adverse flooding impact. This change is to be immediately considered for the three zoning categories (O&I-I, Neighborhood Business and Buffer Commercial) for

which a public hearing is scheduled on July 19, 1984, to consider changes in site plan requirements. The Staff is directed to initiate the procedure that would make this change effective for other site plans. Mrs. Block indicated the Mayor asked that this portion of the recommendation be held as it would be discussed in part in Work Session on Thursday, therefore she would hold that in Committee and make the following recommendations: 2) That Staff be directed to include on zoning evaluations a statement regarding general flooding conditions. 3) That rezoning requests including floodplain areas be evaluated on a case by case basis to determine the appropriateness of the Conservation/Buffer zoning for the floodplain areas. The Staff is to review these areas and make a recommendation on the use of Conservation/ Buffer zoning in these cases. As a matter of clarification, floodplain areas include those areas designated by the Army Corps of Engineers as well as by soil studies. 4) That Staff be directed to include in the request for proposals for the Perry Creek and Marsh Creek storm water management studies consideration of alternative strategies for regulations concerning building in the floodway fringe.

On behalf of the Committee, she moved the recommendation as amended be upheld. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

HOUSING AND NUISANCE VIOLATIONS - NORTH CENTRAL AREA - REMOVED FROM THE AGENDA

Chairperson Block reported the Public Works Committee recommends removal of these items from the Agenda. Council Members received in their Agenda packets a report from the Inspections Division indicating all but five items have been taken care of or have deadlines for work to be completed. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE NEW MUNICIPAL COMMITTEE

MUNICIPAL BUILDING - CHANGE ORDER WITH BOLTON CORPORATION - APPROVED - FUNDS APPROPRIATED

Mrs. Block indicated the Committee for the New Municipal Building recommends approval of a change order in the amount of $6,528 for Bolton Corporation to cover electrical work done in the process of constructing the New Municipal Building. (Council Members received in their Agenda packets a copy of Change Order E-7, which includes budget accounts to be amended.) On behalf of the Committee, Mrs. Block moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously.

MUNICIPAL BUILDING - CHANGE ORDER/ALFRED WILLIAMS AND COMPANY - APPROVED - FUNDS APPROPRIATED

Mrs. Block reported the Committee recommends approval of Change Order OOP-3 in the amount of $15,690 for Alfred Williams and Company to provide payment to the contractor for furniture retained by the City following the move from the old building to the new building. (Council Members received in their Agenda packets a copy of the change order which includes budget accounts to be amended.) On behalf of the Committee she moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

MUNICIPAL BUILDING - DEDICATION - SET FOR SEPTEMBER 30

Mrs. Block reported the Committee for the New Municipal Building recommends that the dedication for the building be held on September 30, 1984. On behalf of the Committee she moved the recommendation be upheld. Her motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

MUNICIPAL BUILDING - NAME - APPROVED

Mrs. Block reported the Committee for the New Municipal Building recommends that the Municipal Building which faces McDowell Street be continued as "Municipal Building" - 110 and that the New Municipal Building which faces Hargett Street be named, "Raleigh Municipal Building" - 222, and that Administration be directed to install a sign directing pedestrians to the Police Department on McDowell Street. On behalf of the Committee, she moved the recommendation be upheld. Her motion was seconded by Ms. Cates and put to a vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

MUNICIPAL BUILDING PARKING DECK - OPERATION - VARIOUS ACTIONS TAKEN

Mrs. Block indicated the Committee for the new Municipal Building makes the following recommendations as it relates to operation of the parking deck:

a. It is recommended that the space allocation for the non-municipal government vehicle parking be as follows:

   - 100 for short-term customer parking;
   - up to 100 for City employee parking at a rate of $28 per month;

- 160 for lease to private office development in the area adjacent to the parking deck at a rate to be negotiated by City Administration with a minimum rate of $30 per month and approved by the Council.

b. The deck should be operated by attendant control rather than meters and Administration should be authorized to negotiate a contract with McLaurin Parking Company to commence the operation of this facility with approval by the City Council of the agreement.

c. Short-term parking rates should be set at $.50 for the first hour, $.25 for each subsequent hour, with a daily rate of $3.00 for an 8-hour period.

Evening parking, after 6:00 p.m., and week-end parking would be at no charge.

On behalf of the Committee, Mrs. Block moved the recommendations be upheld. Her motion was seconded by Ms. Cates and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE COMPREHENSIVE PLANNING COMMITTEE

NORTHWEST PLANNING DISTRICT PLAN - PUBLIC HEARING AUTHORIZED

Mr. Congleton reported the Committee recommends scheduling a public hearing to consider the proposed Northwest District Plan. (Council Members received a copy of the plan, as amended at the meeting, included in their Agenda packets.) On behalf of the Committee, Mr. Congleton moved the recommendation be upheld. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REZONING Z-102-83 - BLUE RIDGE ROAD - APPROVED

Mr. Congleton reported the Committee recommends that the property covered in application Z-102-83 be rezoned to Office and Institution-I zoning district. On behalf of the Committee, Mr. Congleton moved the recommendation be upheld. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted. See Ordinance 381 ZC 142.

REZONING Z-103-83 - BLUE RIDGE ROAD - APPROVED - ORDINANCE ADOPTED

Mr. Congleton reported the Committee recommends that the property covered in application Z-103-83 be rezoned to Office and Institution-I zoning district. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) - 381 ZC 142

AN ORDINANCE TO AMEND THE ZONING ORDINANCE OF THE CITY OF RALEIGH WHICH INCLUDES THE ZONING DISTRICT MAP

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 10 of the City of Raleigh Code, which includes the Zoning District Map, be and the same is hereby amended as follows:

(a) Blue Ridge Road, west side, just north of the intersection of Blue Ridge Road and Lake Boone Trail, being Parcels 41 and 101, Tax Map 462, approximately two acres rezoned to Office & Institution-I District. (Z-102-83)

(b) Blue Ridge Road, west side, just south of the intersection of Blue Ridge Road and Forest View Road (south of Duraleigh Road), being Parcels 25, 115, and 116, Tax Map 462, approximately 4.3 acres rezoned to Office and Institution-I District. (Z-103-83)

(c) Crest Road, west side, between Avent Ferry Road and Burt Street, being Parcel 10, Tax Map 549, approximately 24 acres rezoned to Residential-15, Residential-20 and Conservation/Buffer according to a map on file in the City of Raleigh Plannning Department entitled, "Z-48-84" drawn by Lovett and Bunn, Incorporated. (Z-48-84)

(d) Ligon Street, north side, between Atwater Street and Gorman Street, being Parcel 525, Tax Map 521, approximtley 1.9 acres rezoned to Residential-15 District. (Z-50-84)

Section 2. That all laws and clauses of laws in conflict herewith are hereby repealed to the extent of such conflict.

Section 3. That this ordinance shall become effective July 17, 1984.

Adopted: 7/17/84
Effective: 7/17/84

STREET SYSTEM PLAN - BLUE RIDGE ROAD AREA - REMOVED FROM THE AGENDA

Mr. Congleton reported the Committee recommends removal of this item from the Agenda with no action. It was reported this plan is included in the Northwest District Plan. On behalf of the Committee, Mr. Congleton moved the recommendation be upheld. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

REPORT AND RECOMMENDATION OF THE CITY/COUNTY INTERGOVERNMENTAL LIAISON COMMITTEE

CITY/COUNTY JOINTLY OWNED PROPERTY - PROCEDURE APPROVED

Mr. Walters indicated included in Council Members' Agenda packets was a proposed policy relating to sales under tax lien foreclosure which is recommended for approval. It is noted this policy will be retroactive to include the ten current cases. On behalf of the Committee, Mr. Walters moved the recommendation be upheld. His motion was seconded by Ms. Cates and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

AMERICA's 400TH ANNIVERSARY ACTIVITIES - RESOLUTION ADOPTED

Mr. Walters indicated included in Council Members' packets was a resolution endorsing America's 400th Anniversary Committee and their activities and also endorsing the fund raising efforts by Wake County. On behalf of the Committee, Mr. Walters moved the recommendation be upheld. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. Ms. Cates asked that a copy of the resolution be sent to Ann Ethridge. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) - 575

A RESOLUTION TO ENDORSE THE ACTIVITIES OF THE 400TH ANNIVERSARY COMMITTEE AND TO ENCOURAGE CONTRIBUTIONS THERETO.

WHEREAS, the first English settlers in the new world set sail for America almost 400 years ago; and

WHEREAS, these first settlers landed on North Carolina at what is now known as Roanoke Island; and

WHEREAS, the arrival of this settlement is generally conceded to be the beginning of America as its customs, traditions, language and government exist today; and

WHEREAS, the Wake County Committee for the 400th Anniversary has been formed to organize and implement plans for the celebration including a presentation of the play "Raleigh," a presentation of Elizabethan crafts and games, and English tea party for children with special guest appearances by Queen Elizabeth and Sir Walter Raleigh, an Elizabethan dinner sponsored by the Jr. Woman's Club of Raleigh and many other activities; and

WHEREAS, the Committee will create a special banner to be used to represent the City of Raleigh at various functions around the state in honor of the 400th Anniversary; and

WHEREAS, it is appropriate for the City Council to endorse these activities due to the special place Raleigh is and the important spot it occupies in the hearts of all North Carolina citizens because it is the capital of this great state.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that the City of Raleigh heartily endorses the plans of the 400th Anniversary Committee and encourages all citizens to participate in the many and varied activities which will be available and further encourages citizens to make donations to the 400th Anniversary Committee so that private funding may be received for this worthwhile endeavor.

Adopted: 7/17/84

REPORT AND RECOMMENDATION OF THE REAL ESTATE COMMITTEE

THOROUGHFARE CONFLICT - JONES FRANKLIN ROAD - PERMITS TO BE ISSUED

Mr. Walter reported the Real Estate Committee recommends that the City not purchase the right-of-way at this time for the Jones Franklin Road thoroughfare which conflicts with development plans as presented by Ed Bailey and Arthur Sandman. He pointed out the developers are being requested to keep future improvements as far west of the proposed thoroughfare alignment as possible. On behalf of the Committee, he moved the recommendation be upheld. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

WEYERHAUSER PROPERTY - U.S. 64 EAST - CITY NOT TO ACQUIRE

On behalf of the Real Estate Committee, Mr. Walters moved that the City not acquire, at this time, the property owned by the Weyerhauser Company which is adjacent to the City's landfill property off U.S. 64 East. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

FLETCHER PARK - POSSIBILITY OF ACQUIRING ADDITIONAL LAND - HELD IN COMMITTEE

Mr. Walters indicated he had talked to members of the Real Estate Committee and he would like to hold in Committee the possibility of purchasing additional land north of Nichols Drive and Fletcher Park. Without objection, the item was held in Committee.

COMMUNITY DEVELOPMENT - VARIOUS ACTIONS - APPROVED

Mr. Walters reported the Real Estate Committee recommends the following recommendations relating to the Community Development Department be upheld. His motion was seconded by Ms. Block and put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. The recommendations were as follows:

I. That fair market acquisition values on the following parcels be approved:

A.	526 E. Davie Street	$ 9,000.00
B.	807 E. Martin Street	3,200.00
C.	1111 S. East Street	13,600.00
D.	1107 S. East Street & 1109 S. East Street	10,400.00
E.	1103 S. East Street	18,000.00
F.	125 S. Bloodworth Street	68,400.00
G.	101 S. Bloodworth Street	49,800.00
H.	410 E. Morgan Street	19,950.00

II. That the offer to purchase on the following parcels be approved.

A.	709,711,713 Ellington Street	$ 7,651.00

III. That resolutions of condemnation be adoped on the following parcels to establish value and clear title.

A.	409 Smithfield Street	$ 7,500.00
B.	708 E. Davie Street	$14,200.00

REPORT AND RECOMMENDATION OF THE CITY MANAGER

WORTHDALE/OPTIMIST CENTERS - EXPANSION CONTRACT - GEORGE SMART ARCHITECTS APPROVED - FUNDS APPROPRIATED

The renovations to Worthdale Center and Optimist Center are Bond Issue items. They were scheduled for this year.

A negotiated contract with George Smart Architects, Incorporated, as approved by Council, has been completed.

The proposed design agreement provides for a fixed fee of $6,000 for engineering investigation of both existing buildings and a fixed fee of $20,000 for each site for design and contract administration. This fee is based on a total budget of $250,000 for each site.

Recommendation: It is recommended that the contract with George M. Smart Architects be approved and the appropriate budgetary action as outlined on the Agenda be approved:

Mr. Walters moved Administration's recommendation be upheld. His motion was seconded by Mrs. Block. Mrs. Block questioned if we are passing our architectural work around, with City Manager Benton indicating we are as much as possible. He pointed out that, George Smart was involved in this project in the beginning and it is felt that it would be best to continue with Mr. Smart. The motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted. See Ordinance 376 TF 2.

PARKS AND RECREATION - ROOF REPAIRS - REFERRED TO LAW AND FINANCE COMMITTEE

The 1984-85 Budget includes funding for a number of roof repair projects in the Parks and Recreation Department. In 1983, an indepth inventory was made of Park facility roofs, their condition, and priority for work to be performed. The firm of Stan Caton and Associates performed this work. A proposed agreement has been developed for this same firm to provide professional services in the development of plans and specifications for the repair work and to inspect the work performed. The proposal is based on a cost of service fee not to exceed $16,000.

Recommendation: It is recommended that the Council approve retention of Stan Caton and Associates to provide professional services assistance in the repair of roofs at a fee not to exceed $16,000 and that the appropriate budgetary transfer be approved to establish the funds for this agreement.

Mr. Congleton questioned the rationale for choosing Stan Caton and Associates, pointing out he thought he had just done some work relating to roof repairs in the city. City Manager Benton indicated last year Mr. Caton did do a comprehensive inventory and the recommendation that is being made is to have Mr. Caton follow up and assist us in services for design and supervision of the roof repairs. Mr. Benton indicated Caton and Associates is basically a firm that has prior experience in roof building and they do have a person on staff with an engineering background. Mr. Congleton moved that this item be referred to the Law and Finance Committee with the condition that the staff would look at this and provide the Committee with the need for having a consultant for roof repairs rather than just putting the roof repairs out to bid and if we do need a consultant, what type qualification would they need. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

WATER AND SEWER ASSESSMENT RATES - FY 84-85 - ADOPTED

Pursuant to the City Code, it is necessary that each year the Council approve the assessment rates for water and sewer improvements. The computation of these rates is as prescribed in the State legislation. The following rates are submitted for Council approval:

	FY 1983-84	FY 1984-85	Percentage
6" water	$8.99	$8.89	-1.1%
2" water replaced by 6" water	$4.90	$6.20	+26.5%
8" sanitary sewer	$12.53	$12.97	+ 3.50%

Recommendation: It is recommended that the proposal rates be approved. Mr. Keller moved the recommendation as outlined be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) - 576

A RESOLUTION ESTABLISHING THE 1984/85 ASSESSMENT RATES

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following rates be established as the 1984/1985 assessment rates for water and sanitary sewer assessments:

8" Sanitary Sewer	$12.97
2" Water Replaced with 6"	6.20
6" D. I. Water	8.89

Section 2. That these rates shall become effective July 1, 1984 for all projects bid after that date.

Adopted: 7/17/84

Effective: 7/1/84

REZONING Z-106-83 - LEESVILLE ROAD - CLARIFYING ORDINANCE ADOPTED

In recent discussions concerning Z-106-83, which was a 1983 rezoning request approved by the City Council on June 19, 1984, it has been discovered that there are several conflicts between Council minutes of the meeting, the map "adopted" at the meeting, and the subsequent ordinance (No. 365 ZC 140).

The specific problems are that the 3.62 acre tract next to Lake Lynn was not mentioned as being rezoned to R-10, that the R-4 to R-10 portion of the request across from Newport Avenue is not shown on the map as being amended to R-6, and that the Conservation/Buffer is not clearly indicated. (Only that portion that was advertised is to be approved. The applicant intends to request the remainder at a later date.)

The Planning Department and the applicant are in agreement concerning what was actually meant to be zoned, but a new map clearly indicating the Council's action needs to be adopted for the necessary clarification. A map was available at the meeting to illustrate this item.

Recommendation: It is recommended that the Council approve the revised map to reflect the Council's official action in this rezoning case.

Planning Director Chapman explained the rezoning case and the action taken by the Council and the map that was used. Mr. Congleton moved the map as explained by Mr. Chapman be approved and correcting ordinance adopted. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) - 382 ZC 143

AN ORDINANCE TO AMEND ORDINANCE (1984) 365 ZC 140 AS IT RELATES TO REZONING APPLICATION Z-106-83

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That Section 1A of Ordinance (1984) 365 ZC 140 be deleted and rewritten to read as follows:

(a) Leesville Road, east side, between Ray Road and O'Neal Road and adjacent to portions of Lake Lyn (west side), rezoned to Residential-6, Residential-10 and Conservation/Buffer acccording to map on file in the City of Raleigh Planning Department entitled "The Wray Property Proposed Rezoning Revised July 9, 1984." (Z-106-83)

Section 2. That no other portion of Ordinance (1984) 365 ZC 140 be affected by this ordinance.

Section 3. That this ordinance shall become effective July 17, 1984.

Adopted: 7/17/84

CARDINAL GIBBONS SCHOOL - RENOVATION - INFORMATION RECEIVED

At the July 3, Council Meeting, Administration was requested to work with the School System to provide the necessary approvals for renovations being planned for this facility. After a review of the intended work, it is understood that the renovations will be made in such a phased approach and as a relatively small change to the total facility that this work can be approved administratively.

In accordance, this work is now being reviewed and administratively approved. Without comment the information was received.

GLEN EDEN PARK - CONTRACT AWARDED TO NEWKOR CONSTRUCTION; FUNDS APPROPRIATED

Bids have been received for improvements to this park and the architect recommends award of bids which total $489,667. A copy of the bid tabulation was in the Council Members' Agenda packet.

The total funds available in this budget account are $409,650. After a review of the bids and the scope of work, it is concluded that the items included in the total of $489,667 should be built to give the park a good functional layout.

There are two concerns which must be conveyed: First, the large amount of general construction activity in the Raleigh area creates a bidding climate which makes it difficult to get a highly competitive bid situation, especially on this type of complex work, and we have several other projects which will be bid in the near future. Second, to fund this work will require a transfer of $90,000 from Council Reserve for Parks Improvements. If these other bids are in excess of budget in similar ratios, the unallocated reserve will be strained.

Recommendation: It is recommended that the low bids (Newkor Construction - base bids plus alternatives 1, 2, 3 and 9) in the total amount of $489,667 be approved and that the following budgetary action be approved:

From:		
37-2-1000-0100	Council Reserve	$ 90,000
38-2-3310-0100	Glen Eden Park	409,650
		$499,650
To:		
38-2-3310-0101	Glen Eden Construction	$489,667
38-2-3310-0104	Glen Eden Park D	9,983
		$499,650

Mr. Walters moved that Administration's recommendation be upheld. His motion was seconded by Ms. Cates and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) 376 TF 2

WHEREAS, it appears desirable and for the best interest of the City of Raleigh and its citizens that funds in the amounts hereinafter set forth heretofore appropriated as set forth in the appropriations ordinance adopted June 19, 1984, and included in the budget for the fiscal year ending June 30, 1985, be transferrred from one account as permitted and authorized by the General Statutes of North Carolina, NOW, THEREFORE,

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the amounts hereinafter set forth be and are hereby transferred for the purpose shown:

CODE ACCOUNT	OBJECT CLASSIFICATION	AMOUNT
From 01-2-1040-0001	Council Contingency	$ 9,000.00
To 01-2-1040-0501	Indirect Cost	9,000.00
Purpose: To provide funds for the City's Indirect Cost Allocation Plan - '83 Plan.		
From 32-2-1000-0100	Reserve for Council Projects	$ 6,670.00
To 32-2-4494-0103	Paving - ROW	6,670.00
Purpose: Provide funds for ROW for East Lenoir Street widening and sidewalks.		
From 40-2-1600-0104	Misc. - Civic Center Bond Fund	$ 150.00
From 40-2-1800-0101	Memorial Aud. Sidewalks	4,710.44
From 40-2-1810-0101	Mem. Aud. Equipment	100.00
From 40-2-1510-0100	C. C. Modifications	2,689.71
From 40-2-2500-0101	C. C. Equipment	80.85
To 40-2-1820-0102	Mem. Aud. Roof Repairs-B	7,731.00
Purpose: Provide funds for additional repairs to Memorial Auditorium roof - Change Order No. 1.		
From 40-2-1515-0000	Civic Center	$ 1,530.00
To 40-2-1515-0301	Utility Relocation	1,530.00
Purpose: Change Order - Civic Center Plaza - Utility Relocation - T. A. Loving Company, G1.		
From 34-2-3805-0102	Municipal Block "B"	$ 6,528.00
To 34-2-3805-0113	Municipal Building Electric	6,528.00
Purpose: Change Order - New Municipal Building - Bolton Corporation E-7.		
From 34-2-3805-0102	Municipal Block "B"	$ 15,690.80
To 34-2-3805-0110	Municipal Bldg. Landscape Open/0	15,690.80
Purpose: Change Order - Open Office Planning - Alfred Williams and Company, 00P-3.		
From 38-2-3500-0100	Optimist Center	$ 25,500.00
From 38-2-3510-0100	Worthdale Center	25,500.00
To 38-2-3500-0102	Worthdale & Optimist Design B	46,000.00
To 38-2-3500-0104	Worthdale & Optimist Misc. D	5,000.00
Purpose: To establish accounts for architect fees and misc. expenses for Worthdale and Optimist Centers Expansion.		
From 37-2-1000-0100	Council Reserve	$ 90,000.00
From 38-2-3310-0100	Glen Eden Park	409,650.00
To 38-2-3310-0101	Glen Eden Construction	489,667.00
To 38-2-3310-0104	Glen Eden Park D	9,983.00
Purpose: Provide additional funds to cover bids.		

Adopted: 7/17/84

COMMUNITY DEVELOPMENT PROGRAM - RELOCATION ASSISTANCE FOR PILOT MILLS HOUSING - APPROVED; UPDATE OF HOUSING STUDY REQUESTED

Included in the Council Members' Agenda packet was a report which addresses housing relocation assistance and its application to the Pilot Mills housing situation where approximately 72 dwellings will ultimately be removed. As noted in the report, the City's relocation policy is ambiguous in its application to this situation. In the uncertain atmosphere of how the policy should be applied, specific proposals are made for this situation.

Further, it will be the administrative interpretation of this policy in future situations that financial relocation assistance is activated when the Community Development Program has a direct impact on a particular property and not as a result of the City's general housing inspections program. To do otherwise is not economically feasible within the constraints of the Community Development Budget and the amount of Code enforcement actions being undertaken in the conservation areas.

City Manager Benton indicated we have a relocation assistance policy, but it has been found that there is some ambiguity as to how it would apply outside of the Community Development Program. Ms. Block indicated she is very sympathetic with these people and would move approval of the Manager's recommendation. Mayor Upchurch agreed, pointing out this is an old community, a viable mill community and questioned, if the

owners of the property have said that they will give any relocation assistance with Housing Authority Director Carter indicating he is not aware that the private owners are doing anything other than providing them some time to relocate. Ms. Block pointed out the City of Raleigh did have two historic mill villages and the demolition of this area does away with a historical feature in out City. Mr. Walters indicated he is very sympathetic with everyone involved and realizes it is a sensitive matter but he does not want to set a precedent by providing funds for relocation when the City has nothing to do with the cause of the relocation. Ms. Cates stated she would like to have a status of a housing study, pointing out she understands that these people may be given priority as to relocation and she does not want to bump someone who has been on the list waiting for assisted housing for a long length of time. After other discussion, the motion as stated was put to a roll call vote which resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

CIVIC CENTER - UNDERGROUND ACCESS TO YORK-HANNOVER PARKING GARAGE - VARIOUS ACTIONS TAKEN

City Manager Benton indicated as approved by City Council, efforts have been underway to arrange for the construction of the underground passageway from the Civic Center to the parking garage being built as part of the York Hannover project. An agreement has been negotiated with York Hannover, Inc., concerning the access of the passageway to the parking garage. A copy of the proposed agreement was supplied to Council members.

The City has retained the firm of Haskins and Rice to prepare the design plans for th is facility. These plans have been completed. Because of the proximity of the work being done on the garage site by the firm of McDevitt and Street Company, the City pursued the possibility of a contract with this firm to perform a part of the construction work associated with the underground passageway. An agreement has been tentatively reached with this company to provide the excavation work as well as the construction of footings, walls, floors, and roof. The proposed contract would be based on the actual cost of construction not to exceed $233,615. This work would represent that which is necessary to be done in conjunction with the work associated with the parking garage and the City would need to contract another firm to do interior finish work on this facility. The proposed contract would provide that the modification noted above would be done in a short time period not to exceed 75 days from the date of authorization to proceed.

This is an unusual project in may ways. It is part of the total development plan for the York Hannover project and the physical proximity of these projects limit our ability to get this work done. It is also imperative to get the work done in as short of a time period as possible to limit loss of the access to the north side of the Civic Center.

The Architect has reviewed this proposal and recommends accepting it. As noted, with this work we would stay within our budget.

Recommendation: 1) That the amendment to the agreement with York Hannover be approved; 2) That the City contract with the firm of McDevitt and Street to perform the construction as specified above; 3) That the following budget amendment be approved:

Revenue:		
From:	Cablevision Fees	$250,000
Expenditure:		
To:	Construction Contract	$233,615
	Miscellaneous	16,385
		$250,000

Mr. Walters indicated he has been privileged to observe McDevitt and Street Company work and feels that this is a good suggestion, therefore he would move the Manager's recommendation be upheld. His motion was seconded by Mr. Keller. Mr. Congleton questioned why we did not have to go to bid with this item, with the City Attorney explaining approximately 3 years ago the City received some special legislation relative to economic development areas. It was also pointed out by Mr. Walters that if we got a different contractor, we would have two contractors working in very close proximity, almost on the same project. The motion as stated was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) - 375

AN ORDINANCE TO AMEND THE 1984/1985 BUDGET ORDINANCE

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 1984/1985 Budget be amended as follows to place into expenditure account a contribution made to the Danny O. Whitehurst Memorial Fund:

Revenue:	37-1-0070-0200	Misc. Income	$ 1,000.00
Expense:	37-2-3000-0193	Danny O. Whitehurst Mem. Fund	1,000.00

Section 2. That the 1984/1985 Budget be amended as follows to provide additional funds for the food for resale account:

Revenue:	18-1-0070-0208	Martin Pool	$ 6,000.00
Expense:	18-2-0510-0270	Food for Resale	6,000.00

Section 3. That the 1984/1985 budget be amended as follows to provide additional funds for the food for resale account:

Revenue:	18-1-0070-0207	Biltmore Pool	$ 3,500.00
Expense:	18-2-0520-0270	Food for Resale	3,500.00

Section 4. That the 1984/1985 Budget be amended as follows to provide funds for FY 84-85 Public Service Agencies as approved by Council:

Revenue:	43-1-5000-0101	Program Income	$51,000.00
Expense:	43-2-5600-0100	Meals-on-Wheels	$12,000.00
	43-2-5600-0101	Homemaker-Home Health	24,000.00
	43-2-5600-0102	Gethsemane Rainbow	15,000.00
		Total	$51,000.00

Section 5. That the 1984/1985 Budget be amended as follows:

Revenue:	40-1-0070-0200	Mis. Income	$250,000.00
Expense:	40-2-1516-0101	C.C. Underground Passageway	$233,615.00
	40-2-1516-0105	Miscellaneous	16,385.00

Adopted: 7/17/84

TORNADO VICTIMS - CHECK TO BE RETURNED CONDITIONALLY

City Manager Benton explained as a result of the recent tornadoes in Eastern North Carolina, the City of Raleigh sent some equipment and crews to help with the clean up in Red Springs, North Carolina as well as sent money collected by the City employees. He indicated he has received a check from Red Springs, pointing out they have received some federal funds, in the amount of $12,426.60 which represents the City's expense in helping them clean up following the tornado. He indicated the City has a choice of retaining the monies or returning it to them, indicating that the City of Raleigh work was done at no cost to the City of Red Springs. Mr. Keller moved that the check be returned to Red Springs. His motion was seconded by Ms. Cates. Mr. Congleton questioned if it is returned, would the money have to be returned to the Federal government. He suggestioned that the motion be amended to indicate that the check would be returned to Red Springs if the money can be spent by the City of Red Springs and not revert to the Federal government. He indicated if the money has to revert to the Federal government, that this item should be brought back to Council. Mr. Keller and Ms. Cates accepted that as an amendment to their motion and the motion as amended was put to a vote and passed unanimously. The Mayor ruled the motion adopted.

REPORT OF MAYOR AND COUNCIL MEMBERS

JOHN WHITE EXHIBIT AND OPERATION RALEIGH - REFERRED TO THE DOWNTOWN ADVISORY COMMITTEE

Mayor Upchurch indicated he would like to refer to the Downtown Advisory Committee, the John White exhibit so that the Committee can coordinate this exhibit in the City. He stated in addition, he would like to refer "Operation Raleigh" to the Downtown Advisory Committee, briefly explaining this is a four year work program relating to youth. Without objection the items were referred to the Downtown Advisory Committee.

REPORT AND RECOMMENDATION OF THE CITY ATTORNEY

WATER FACILITIES - PROHIBITION AGAINST WADING, SWIMMING, BATHING - ORDINANCE ADOPTED

City Attorney McCormick indicated at the request by the Police Department, he sent Council Members a copy of a proposed ordinance relative to bathing, wading and swimming in water treatments in the City of Raleigh. Ms. Cates indicated in her opinion it is good that these people want to bathe when they don't have any facilities for bathing. She stated she understands they are actually using soap. She pointed out there are no public showering facilities and she would like to ask staff to check into this and see what other cities are doing to take care of this, pointing out this would also get into public toilet facilities and their availability. Mrs. Block agreed that she is pleased that these people want to wash and she was wondering if, just as a matter of policy, if the police could just transport these people to the Rescue Mission or other shelters when the police sees this occurring in the fountains, pools, etc., within the City. City Manager Benton indicated the Police Department could give direction to these people, but he has a

problem in terms of actually transporting or forcing them to go to one of the facilities. City Attorney McCormick indicated he didn't think the police really want to arrest the people, they just need some leverage to get them out of the pools or fountains. Mr. Walters indicated he felt this discussion was unreal, as he did not feel that any Council member wanted to see people taking baths in the fountains throughout the City, therefore he would move approval of the ordinance as submitted by the City Attorney. His motion was seconded by Mr. Keller and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ORDINANCE NO. (1984) - 383

AN ORDINANCE TO PROHIBIT SWIMMING AND BATHING IN CERTAIN CITY OWNED AND MAINTAINED AREAS.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. Section 9-2016 of the Raleigh City Code is hereby repealed and rewritten to read as follows:

> "Unless specifically authorized by Council, it shall be unlawful for any person to bathe, swim or wade in any City owned or maintained lake, pond, fountain or other water feature. Violation of this section shall be punishable by any of the enforcement procedures outlined in G.S. 160A-175."

Section 2. This ordinance shall become effective upon adoption.

Adopted: 7/17/84

BILLBOARDS - INFORMATION RECEIVED

City Attorney McCormick indicated, as a matter of information, that the City has been served with a suit relating to the billboard question, pointing out the suit was initiated by Major Media on behalf of Naegele Media Service. The item was received as information.

REPORT OF MAYOR AND COUNCIL MEMBERS

DOWNTOWN PARKING - REQUEST FOR INTERPRETATION - REFERRED TO LAW AND FINANCE COMMITTEE

Mayor Upchurch indicated Council members received a memo from the Board of Adjustment relative to Case A-99-84 relating to downtown parking. Without objection, Mayor Upchurch referred the matter to Law and Finance Committee.

PAVING ASSESSMENT - JACK HAMILTON - REFERRED TO LAW AND FINANCE COMMITTEE

Mayor Upchurch asked that an item relating to a paving assessment - Jack Hamilton - be referred to the Law and Finance Committee. Without objection the item was so referred.

STREET BOND REFERENDUM - SPEAKERS BUREAU - COUNCIL MEMBERS ASKED TO PARTICIPATE

Mayor Upchurch indicated we are starting on a major street bond referendum and he would like to organize a speakers bureau of himself and other City Council and staff members that would participate. He indicated a package is being prepared for Friends of Roads and they are also working with the Chamber of Commerce to get funds, etc. He stated he would like to get as many people as possible involved, pointing out if any Council member is interested or knows of people who are interested and want to get involved, to please notify him. Comments were received.

CLEAN COMMUNITY PROGRAM - REFERRED TO APPEARANCE COMMISSION

Mayor Upchurch indicated he had been appointed a member of the Committee of 59 from North Carolina relating to clean communities. He stated this is an off-spring of the old Keep America Beautiful program. He indicated he is a member of this Committee as representatives of the Service Station Association. He stated it is mainly a program that is educational in nature. He stated he would like to refer this item to Appearance Commission for them to look at and recommend if the City should be involved. He stated the cost to the City would be $2,500. He stated it is very involved and he feels a very good program and it would involve a number of people including schools, businesses, private persons, etc. Without objection, the item was referred to the Appearance Commission.

NEW BERN PLACE - COMMENTS RECEIVED

Mr. Walters indicated earlier in the Agenda the City Council approved two items relating to New Bern Place. He stated as a matter of information, he understands that all eighteen units of New Bern Place have been pre-sold and he feels that this is tremendous.

LAKE WHEELER BOAT RAMPS - ADMINISTRATION TO CHECK

Mr. Walters indicated he would like for Administration to look into the situation at the Lake Wheeler Boat ramp. He pointed out if two cars and trailers line up at the booth to pay to get in, that the last trailer is in the street. He stated in his opinion the little booth is so close to the road, that it is causing traffic tie ups and he would like for Administration to look into this problem. Without objection, the item was referred to Administration.

WAKE COUNTY BOARD OF EDUCATION - REQUEST FOR REDUCED USER CHARGE AT SWIMMING POOLS - REFERRED TO LAW AND FINANCE COMMITTEE

Ms. Cates presented Council Members with a copy of a resolution from the Wake County Board of Education. She read the resolution pointing out the bottom line is that the Wake County Board of Education requests that the Raleigh City Council give consideration to the adoption of a reduced user charge for physical education classes during school hours where such uses does not interfere with normal pool operations. She indicated maybe this resolution could be considered by the Parks Board and/or the Law and Finance Committee. City Manager Benton indicated he would concur with the suggestion that the matter be referred to the Law and Finance Committee, pointing out there are some unfinished business and/or agreements between the City and the Wake County Board of Education that need to be addressed. Mrs. Block indicated she had no problem, but pointed out that she feels fees should be paid or we should have some special provision made by the Board of Education such as furnishing life guards, etc. Without further discussion, the item was referred to the Law and Finance Committee.

FLETCHER PARK - WAKE COUNTY BOARD OF EDUCATION PROPERTY - USAGE - REFERRED TO ADMINISTRATION AND COUNCIL FOR INFORMATION

Ms. Cates presented a resolution from the Wake County Board of Education in which they grant permission to the Raleigh City Council to include the Board's land on St. Mary's Street in land use planning for Fletcher Park under certain conditions. She stated she would like for Administration and Council Members to have a copy of a resolution for information and consideration. Without objection the item was received.

ZONING PROCEDURES - NOTIFICATION TO THE PUBLIC - COMMENTS RECEIVED

Ms. Cates indicated in several recent rezoning hearings (Z-58 and Z-59) only one person in the adjacent subdivision received notice of the public hearing and that notice did not have a cover letter and the person receiving the letter did not realize the importance of what was going on. She indicated she felt the list of adjacent property owners on these cases were not up-to-date and the petitioner in these cases and all cases should make sure they have up-to-date information as it relates to adjacent property owners. She questioned if when the zoning coordinator seens out information, if it includes a cover letter that explains in simple terms what is going on, and questioned if we only advertise in one newspaper. City Attorney McCormick indicated the City is not required to send a letter to the property owners and is only required to advertise in one paper. He briefly explained the requirements relative to notification, pointing out the City goes far beyond that requirement. The comments were received.

HANDICAPPED FACILITIES - COMMENTS RECEIVED

Ms. Cates questioned if the City's facilities are equipped to accommodate the handicapped. City Manager Benton indicated the City is undertaking an inventory of all our facilities now to identify handicapped access deficiencies. He stated that report will come back to the City Council. He explained for a number of years, all of our new facilities that have been built are in accordance with the regulation and in most cases go beyond the regulation or include handicap access facilities even when they are not necessary such as fire stations, etc. Ms. Cates indicated she would just wait to receive the report from Administration.

NEWSPAPERS - PICK-UP AT THE CURB - INFORMATION REQUESTED

Ms. Block pointed out several years ago the City Council authorized Administration to pick up newspapers at the curb if they were bundled properly so that the newspapers could be handled differently at the landfield. She questioned if this practice is still taking place and if the garbagemen keep the newspaper separate from the other curb side trash. Administration was asked to provide a report.

TRAFFIC - NEED FOR LIGHTS - REFERRED TO ADMINISTRATION

Mr. Congleton indicated he would like for Administration to look at the possible need for a street light at Falls Village/Falls of Neuse Road. Mr. Upchurch requested Administration to look at the need for a light at Newton Road/Falls of Neuse Road. The items were referred to Administration.

REPORT OF CITY CLERK AND TREASURER

TAXES - REBATES AND/OR REFUNDS - RESOLUTION ADOPTED

Council Members received in their Agenda packets three proposed resolutions relating to tax rebates and/or refunds which are recommended for adoption. Council Members

also received a listing as submitted by the Wake County Tax Supervisor for refunds made during the month of May, relating to clerical error purposes. It is recommended that the listing be adopted. Ms. Cates moved the recommendation as outlined be upheld. Her motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) - 577

A RESOLUTION REFUNDING TAXES AS SET FORTH HEREIN

WHEREAS, the proper tax authority of the City of Raleigh has reported to the City Council that certain taxes appearing upon the tax records of the City of Raleigh, listed below, should be refunded for the reasons given; and

WHEREAS, the City Council finds as a fact that the reason in each instance for the refund of the tax is true, and that the same should be allowed; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the following taxes heretofore assessed be and the same ordered refunded as may be indicated below:

YEAR	TAXPAYER	ACCOUNT NO.	AMOUNT OF REFUND	REASON FOR REFUND
1983	AAA Plumbing Company	01-1-5165128	$ 82.31	Error-Illegal Billing
1983	Fajgenbaum, David M., M.D., P.A.	17-1-5210677	264.30	Error-Illegal Billing
1983	James T. Rogers Bldrs.	01-1-5855905	177.18	Error-Illegal Billing
1982	James T. Rogers Bldrs.	01-1-5855905	10.70	Error-Illegal Billing
1983	Liberty Mutual Ins. Co.	17-7-5423922	66.39	Error-Illegal Billing
1983	Liberty Mutual Ins. Co.	17-7-5423924	58.81	Error-Illegal Billing
1983	Liberty Mutual Ins. Co.	17-7-5423923	57.88	Error-Illegal Billing
1983	Liberty Mutual Ins. Co.	17-7-5423925	46.42	Error-Illegal Billing
1983	Rigsbee, Randall L.	01-2-5228822	98.85	Error-Illegal Billing
1982	Rigsbee, Randall L.	01-2-5228822	82.41	Error-Illegal Billing
1979	Temple, Tracy Calvin	17-7-5967403	42.81	Error-Illegal Billing
1977	Temple, Tracy Calvin & Evelyn Massey	17-2-5162025	33.78	Error-Illegal Billing
1983	WNB Associates, Ltd. T/A Woods of North Bend Apts.	13-1-5240046	$1,341.84	Error-Illegal Billing

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon tht such penalties are rebated or refunded by order of the Raleigh City Council.

Adopted: 7/17/84

RESOLUTION NO. (1984) - 578

A RESOLUTION ADJUSTING, REBATING OR REFUNDING PENALTIES AND RELIEVING INTEREST FOR LATE LISTING OF PROPERTY FOR AD VALOREM TAXES

WHEREAS, pursuant to G. S. 105-331, a 10% penalty was assessed against the property owners listed below for failure to list their taxable property during the regular listing period; and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Counicl that their failure to list on time was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF RALEIGH:

Section 1. That the 10% penalty assessed against the property of the following named persons be and the same is hereby adjusted, rebated or refunded as shown:

YEAR	TAXPAYER	ACCOUNT NO.	TAX VALUE	RECOMMENDATION
1984	James F. Garneau	01-2-5267918	$ 5,140	Relieved
1984	James W. & Ann C. Marco	01-2-0049491	4,073	Relieved
1984	Triangle Ice Co., Inc.	01-1-5099032	18,425	Relieved

Section 2. That the following requests for relief be denied:

YEAR	TAXPAYER	TAX VALUE
1984	Carolina Cardiology Consultants	$ 93,087
1984	Carolina Cardio-Pulmonary Services Inc.	339,693
1984	Howard, Howard, Morelock & From, P.A.	20,968
1984	Younger Days, Inc.	65,919

Section 3. That the City/County Tax Collector and/or the City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 7/17/84

RESOLUTION NO. (1984) - 579

A RESOLUTION APPROVING TAX EXEMPTION AS DESCRIBED

WHEREAS, pursuant to N. C. General Statutes 105-275(10) & (11), exemption from taxation was available for the property owners, listed below: and,

WHEREAS, each of said property owners has shown to the satisfaction of the City Council that their failure to request relief in a timely manner was excusable; NOW, THEREFORE,

BE IT RESOLVED BY THE CITY OCUNICL OF THE CITY OF RALEIGH:

Section 1. That the following be approved for exemption from taxation:

YEAR	TAXPAYER	AMT. OF VALUE	RECOMMENDATION
1984	Comet Rice, Inc.	$ 1,241	Approved
1984	Kerr Glass Mfg. Corp.	206,644	Approved

Section 2. That the City/County Tax Collector and City Revenue Collector are authorized and directed to correct the tax records by making appropriate entries thereon that such penalties are rebated or refunded by order of the City Council.

Adopted: 7/17/84

MILLBROOK ROAD - CHANGE OF PROPERTY WITH NORTH BOULEVARD INDUSTRIAL PARK - RESOLUTION ADOPTED

During the June 19, 1984, Council Meeting, the City Council adopted a resolution of intent to exchange property with North Boulevard Industrial Park Limited relating to the realignment of Millbrook Road, east of Wake Forest Road. The appropriate advertising has taken place and it is recommended that the City Council adopt a resolution authorizing the exchange of real property valued at $12,000, as advertised. Mr. Congleton moved adoption of the resolution authorizing the exchange as outlined. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION (1984) - 580

A RESOLUTION AUTHORIZING THE EXCHANGE OF REAL PROPERTY.

WHEREAS, the City has recently acquired property for the extension and expansion of the Millbrook Road thoroughfare; and

WHEREAS, there remains a residue parcel associated with this purchase which is not now or in the future needed for City street or other public purposes; and

WHEREAS, North Boulevard Industrial Park, a limited partnership, desires to acquire this residue parcel and is wlling to exchange for this property a parcel of equivalent value.

WHEREAS, pursuant to G.S. 160A-271, the City Council, on 6/19/84, has adopted a Resolution of Intent to authorize the exchange of these properties, as described in Exhibit A, attached and incorporated here into; further, said Resolutlion of Intent has been published in accordance with G. S. 160A-271.

NOW, THEREFORE, BE IT RESOLVED BY THE RALEIGH CITY COUNCIL as follows:

Section 1. The proper officials of the City are hereby authorized and directed to execute and deliver the necessary instruments in order to effectuate the exchange of the hereindescribed properties.
Adopted: 7/17/84

EXHIBIT "A"
PROPOSED PROPERTY EXCHANGE
RIGHT-OF-WAY DESCRIPTIONS

R/W ACQUIRED FROM AMY POOLE TO BE EXCHANGED

Beginning at a point, said point being in the eastern R/W line of Wake Forest Road and being 162.52 feet from the intersection of the northern R/W line of Second Street and the eastern R/W line of Wake Forest Road; thence north 28 deg. 55 min. 41 sec. east 55.03 feet to a point; thence south 68 deg. 26 min. 00 sec. east 84.80 feet to a point; thence south 19 deg. 46 min. 38 sec. west 19.78 feet to a point; thence north 89 deg. 03 min. 30 sec. west 98.78 feet to the point and place of beginning. Further reference is made to a map prepared by the City of Ralegih Department of Central Engineering entitled, "Millbrook Road Right-of-Way Acquisition Wake Forest Road to existing Millbrook Road" dated 10/17/83 and recorded in Book 1983, Page 1399 of the Wake County Registry.

R/W ACQUIRED FROM BLUE RIDGE STONE COMPANY - (TO BE CONVEYED TO CITY)

Beginning at a point, said point being a common south west corner between the property of Blue Ridge Stone Company and that of Milton & Ruth Croom; thence north 18 deg. 00 min. 00 sec. east 52.06 feet to a pont; thence north 20 deg. 28 min. 11 sec. east 5.62 feet to a point; thence easterly along an arc length having a radius of 693.28 feet a distance of 6.31 feet to a point on tangent; thence south 66 deg. 47 min. 54 sec. east 94.65 feet to a point in the western right-of-way line of Seaboard System Railroad, Inc.; thence along said Railroad right-of-way line south 19 deg. 03 min. 10 sec. west 40.52 feet to a point; thence south 18 deg. 34 min. 30 sec. west 11.98 feet to a point; thence north 69 deg. 44 min. 40 sec. west 100.00 feet to the point and place of beginning.

ANNEXATION - NORTH RIDGE ESTATES (84) - REFERRED TO CITY CLERK

A petition has been received for the contiguous annexation of North Ridge Estates (84), owned by North Ridge Estates Associates. The next step, if the Council so desires, would be direct the Clerk to check the sufficiency of the petition and schedule a public hearing. Mr. Keller moved the recommendation as outlined be upheld. His motion was seconded by Ms. Block and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

ANNEXATION - TAPERS II - REFERRED TO CITY CLERK

A petition has been received for the contiguous annexation of Tapers II, owned by Tapers II Associates. The next step, if the Council so desires, would be direct the Clerk to check the sufficiency of the petition and schedule a public hearing. Mr. Keller moved the recommendation be upheld. His motion was seconded by Mr. Congleton and put to a vote which passed unanimously. The Mayor ruled the motion adopted.

STREET CLOSING - PORTIONS OF CABARRUS STREET/RADISSON HOTEL ACCESS ROAD - HEARING - RESOLUTION AUTHORIZING CLOSING ADOPTED

The City Clerk reported a hearing has been advertised to consider closing portions of Cabarrus Street and the Radisson Hotel access road right-of-way. The hearing was advertised to be held at 7:00 p.m. on Tuesday, July 17. The Clerk pointed out that the night portion of the meeting is to hold a joint hearing with the Planning Commission to consider various text changes and requests for rezoning. However, she suggested that at 7:00 p.m., the Council hold the public hearing.

At the 7:00 p.m. meeting, City Attorney McCormick explained the proposal to close portions of Cabarrus street and the Radisson Hotel Access Road right-of-way utilizing maps and giving the description of the areas to be closed. He indicated this is necessary to allow construction and they are willing to dedicate a new service drive that will be a dedicated street. The Mayor opened the hearing to the public. No one asked to be heard, thus the hearing was closed. Mr. Congleton moved adoption of a resolution authorizing the street closings as advertised. His motion was seconded by Mr. Keller and a roll call vote resulted in all members voting in the affirmative. The Mayor ruled the motion adopted.

RESOLUTION NO. (1984) - 581

A RESOLUTION ORDERING THE CLOSING OF CABARRUS STREET AND RADISSON SERVICE DRIVE RIGHTS-OF-WAY AS DESCRIBED HEREIN.

WHEREAS, a petition has been filed with the City Council of the City of Raleigh for the closing of Cabarrus Street and Radisson Service Drive rights-of-way; and

WHEREAS, pursuant to Article 15 of Chapter 160A of the General Statutes of North Carolina, a resolution was adopted by the City Council declaring its intent to close said portion of said street and calling for a public hearing on the question, published as required by law, and notice of public hearing was posted along said street, all as required by law; and

WHEREAS, FROM FACTS AND INFORMATION, IT APPEARS TO THE SATISFCATION OF THE City Council that the closing of said street is not contrary to the public interest and that no individual owning property in the vicinity of said street will thereby be deprived of reasonable means of ingress and egress to this property.

NOW, THEREFORE BE IT ORDERED BY THE CITY COUNCIL OF THE CITY OF RALEIGH, NORTH CAROLINA that:

Section 1. The portion of rights-of-way of Cabarrus Street and Radisson Service Drive be closed permanently as follows:

Tract One: Beginning at a point in the former northern technical property line of Cabarrus Street (now closed), said point being located South 83 degrees 15 minutes East 75.83 feet (measured along said former northern technical property line of Cabarrus Street) from the point of intersection of the eastern technical property line of South Salisbury Street with said former northern technical property line of Cabarrus Street; thence North 06 degrees 45 minutes East 96.56 feet to a point; thence South 83 degrees 15 minutes East 44.50 feet to a point; thence South 06 degrees 45 minutes West 96.56 feet to a point in said former northern technical property line of Cabarrus Street; thence with said former northern technical property line of Cabarrus Street North 83 degrees 15 minutes West 44.50 feet to the point of beginning, and being the land designated as "Abandoned Service Drive, Parcel A" on map entitled "Survey for York Hannover (Raleigh) Inc., Salisbury, Cabarrus & Wilmington Streets, Raleigh, North Carolina," dated July 7, 1982, last revised on March 22, 1984, prepared by Bennie R. Smith, Registered Land Surveyor.

Tract Two: Beginning at the point of intersection of the eastern technical property line of South Salisbury Street with the southern right-of-way line of the dedicated street located in front of the Radisson Plaza Hotel (See Book of Maps 1982, Page 853, Wake County Registry); thence with the eastern technical property line of South Salisbury Street, North 06 degrees 45 minutes East 0.5 foot to a point; thence South 83 degrees 15 minutes East 31.83 feet to a point; thence South 06 degrees 45 minutes West -.5 foot to a point; thence North 83 degrees 15 minutes West 31.83 feet to the point of beginning, and being the land designated as "Abandoned Service Drive Parcel B" on map entitled "Survey for York Hannover (Raleigh) Inc., Salisbury, Cabarrus & Wilmington Streets, Raleigh, North Carolina," dated July 7, 1982, last revised on March 22, 1984, prepared by Bennie R. Smith, Registered Land Surveyor.

Tract Three: Beginning at the point of intersection of the eastern technical property line of South Salisbury Street with the former southern technical property line of Cabarrus Street (now closed); thence with the eastern technical property line of South Salisbury Street, North 06 degrees 45 minutes East 18.56 feet to a point; thence South 83 degrees 15 minutes East 68.83 feet to a point; thence South 67 degrees 18 minutes 17 seconds East 7.28 feet to a point; thence North 06 degrees 45 minutes East 49.44 feet to a point in the former northern techncial property line of Cabarrus Street; thence with he former northern technical property line of Cabarrus Street, South 83 degrees 15 minutes East 64.17 feet to a point; thence South 06 degrees 45 minutes West 66 feet to a point in the former southern technical property line of Cabarrus Street; thence with the former southern technical property line of Cabarrus Street, North 83 degrees 15 minutes West 140 feet to the point of beginning, and being the land designated as "Abandoned Easement Area, Parcel C" on map entitled "Survey for York Hannover (Raleigh) Inc., Salisbury, Cabarrus and Wilmington Streets, Raleigh, North Carolina," dated July 7, 1982, last revised on March 22, 1984, prepared by Bennie R. Smith, Registered Land Surveyor.

Tract Four: Beginning at the point of intersection of the eastern technical proeprty line of South Salisbury Street with the former northern technical property line of Cabarrus Street (now closed); thence with the former northern technical property line of Cabarrus Street, South 83 degrees 15 minutes East 31.83 feet to a point; thence South 06 degrees 45 minutes West 7.44 feet to a point; thence North 83 degrees 15 minutes West 31.83 feet to a point in the eastern technical property line of South Salisbury Street; thence with the eastern technical property line of South Salisbury Street, North 06 degrees 45 minutes East 7.44 feet to the point of beginning, and being the land designated as "Abandoned Easement Area, Parcel D" on map entitled "Survey for York Hannover (Raleigh), Inc., Salisbury, Cabarrus & Wilmington Streets, Raleigh, North Carolina," dated July 7, 1982, last revised on March 22, 1984, prepared by Bennie R. Smith, Registered Land Surveyor.

Section 2. This resolution be registered in the Office of the Register of Deeds of Wake County, North Carolina upon proof that the listed conditions, if any, have been met which would make this closing effective.

Adopted: 7/17/84

Effective: 7/17/84

ADJOURNMENT

There being no further business, the meeting adjourned at 4:45 p.m.

Gail G. Smith
City Clerk

jt/CCONE